
Submission

30 June 2023

Review of the Disability Standards for Accessible Public Transport 2002

Submission by the Australian Communications Consumer Action Network (ACCAN) to The Department of Infrastructure, Transport, Regional Development, Communications and the Arts

About ACCAN

The Australian Communications Consumer Action Network (ACCAN) is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards communications services that are trusted, inclusive and available for all.

Consumers need ACCAN to promote better consumer protection outcomes ensuring speedy responses to complaints and issues. ACCAN aims to empower consumers so that they are well informed and can make good choices about products and services. As a peak body, ACCAN will represent the views of its broad and diverse membership base to policy makers, government and industry to get better outcomes for all communications consumers.

Contact

Elie El-Khoury Antonios
Disability Policy Officer

PO Box A1158
Sydney South NSW 1235
Email: info@accan.org.au
Phone: (02) 9288 4000

Contact us through the [National Relay Service](#)

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Executive Summary

The Australian Communications Consumer Action Network (**ACCAN**) thanks the Department of Infrastructure, Transport, Regional Development, Communications and the Arts for the opportunity to make a submission to the 2022 Review of the *Disability Standards for Accessible Public Transport 2002 (the Transport Standards)*.¹ This submission has been developed in consultation with our members, including Deafness Forum of Australia and Blind Citizens Australia (**BCA**). Additionally, ACCAN supports the recommendations made in BCA's submission to the review of the Transport Standards.

Access to transport is a basic human right for people with disability. This right is enshrined in the Convention of the Rights of Persons with Disabilities (**CRPD**), specifically Article 9 of the CRPD on accessibility.² Article 9 states that "States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation...".³ To ensure equitable and non-discriminatory access to public transport services, it is ACCAN's view that the Transport Standards must be amended to meet the needs of people with disability, including those with communication and sensory needs.

ACCAN's submission proposes amendments to the Transport Standards in the following areas:

- Exempt premises from the Transport Standards
- Accessibility signs and symbols
- Emergency situations
- Access to information

Since the implementation of the Transport Standards, the public transport landscape has experienced a shift in the emerging use of digital technologies to access rideshare services and transport routes. As such, the updated Transport Standards must reflect the use of these services.

ACCAN's submission recommends that the Transport Standards be amended to clarify why certain premises covered under the *Disability (Access to Premises — Buildings) Standards 2010 (the Premises Standards)*, may be excluded from the Transport Standards, as well as to incorporate updated Standards on accessible signs, symbols and illustrations. Furthermore, ACCAN recommends that the Transport Standards are amended to provide guidance on support for people with vision impairment in emergency situations, and to ensure general and real-time information about transport services is provided in a range of accessible formats.

¹ The Department of Infrastructure, Transport, Regional Development, Communications and the Arts 2022, *2022 Review of the Disability Standards for Accessible Public Transport 2002*, Available at: <https://www.infrastructure.gov.au/have-your-say/2022-review-disability-standards-accessible-public-transport-2002>.

² United Nations Department of Economic and Social Affairs Disability 2022, *Convention on the Rights of Persons with Disabilities – Article 9-Accessibility*. Available at: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-9-accessibility.html>.

³ Ibid.

List of Recommendations

Recommendation 1: That the Transport Standards be amended to provide examples of premises covered under the Premises Standards and explain why they are exempt from the Transport Standards.

Recommendation 2: That **sections 9.10 and 16.1** of the Transport Standards be amended to incorporate the updated **AS1428.1 2009** Standard.

Recommendation 3: That **section 16.2** of the Transport Standards be amended to replace references to **AS2899.1 (1986)**, with a current Standard on illustrations and symbols.

Recommendation 4: That **section 19.2** of the Transport Standards be amended to prescribe specific requirements for people with vision impairment to be provided with the necessary and appropriate support to locate the exit path in the event of an emergency.

Recommendation 5: That **section 27.1** of the Transport Standards be amended to provide information on transport services in a range of accessible formats.

Key Issues

Exempt Premises from Transport Standards

Section 1.21 of the Transport Standards, outlines the premises to which the Premises Standards apply, and Part H2 of the Building Access Code.⁴ Premises are defined as:

- (1) a new building, or a new part or an affected part of a building, within the meaning of the Premises Standards; or
- (2) for a provision in Schedule 1 — an existing public transport building, within the meaning of the Premises Standards, that is still in use on the target date mentioned in an item in the table in section 3.1 of the Premises Standards.⁵

Various parts and sections of the Transport Standards include exemptions for premises that fall under the Premises Standards. Some of these cover digital inclusion aspects, including:

- Part 16 Symbols
 - 16.1 International symbols for accessibility and deafness
 - 16.2 Compliance with **AS2899.1 (1986)**
 - 16.3 Accessibility symbols to incorporate directional arrows
- Part 17 Signs
 - 17.1 Height and illumination
 - 17.2 Location — premises and infrastructure
- Part 18 Tactile ground surface indicators
 - 18.1 Location
 - 18.2 Style and dimensions
- Part 19 Alarms
 - 19.1 Emergency warning systems
- Part 20 Lighting
 - 20.1 Illumination levels — premises and infrastructure
- Part 26 Hearing augmentation–listening systems
 - 26.1 Public address systems — premises and infrastructure⁶

Parts 4 and 5 of the Premises Standards provide exemptions and concessions for compliance with the Standard if:⁷

- Compliance imposes an unjustifiable hardship on a person
- The lessee of a new part of a building applies for approval of building work (except if the building is leased to one person)
- Acts of statutory authority are done under section 47 of the *Disability Discrimination Act 1992* (Cth)

⁴ *Disability Standards for Accessible Public Transport 2002* (Cth) (*the Transport Standards*), s. 1.21. Available at: <https://www.legislation.gov.au/Details/F2011C00213>.

⁵ *Ibid.*

⁶ *Ibid.*, see parts 16-26.

⁷ *Disability (Access to Premises — Buildings) Standards 2010* (Cth) (*the Premises Standards*). Available at: <https://www.legislation.gov.au/Details/F2020C00976>.

- A lift travels more than 12 m; and has a lift floor that is not less than 1 100 mm by 1 400 mm
- Existing sanitary compartments, including those suitable for use by people with disability, are located in a new part of a building
- Exemptions are granted by the Australian Human Rights Commission⁸

The Transport Standards should therefore clarify how the exemptions under the Premises Standards apply to premises covered by Transport Standards. As such, the Transport Standards should be amended provide examples of exempt premises by referring to parts 4 and 5 of the Premises Standard and explain why these premises are exempt from the Transport Standards.

Recommendation 1: That the Transport Standards be amended to provide examples of premises covered under the Premises Standards and explain why they are exempt from the Transport Standards.

Accessibility signs and symbols

9.10 *International symbol of accessibility to be displayed*

Section 9.10 of the Transport Standards focuses on the display of the international symbol of accessibility.⁹ Section 9.10 requires the following:

(1) The floor area of an allocated space must:

- (a) display the international symbol of accessibility; and
- (b) be outlined in a flush contrasting strip 25 mm wide.

(2) The colours prescribed in **AS1428.1 (2001) Clause 14.2 (c)** are not mandatory.

Section 9.10 fails to provide detail on how it ensures public transport services adhere to the requirements for displaying the international symbol of accessibility. This makes it difficult to enforce the display of the international symbol of accessibility on public transport.

Additionally, section 9.10 does not provide an explanation for why the colours prescribed in **AS1428.1 (2001) Clause 14.2 (c)** are not mandatory, and what alternative colours can be used. Further, **AS1428.1 (2001)** was superseded by an updated Standard in 2009.¹⁰ The updated Standard has not been acknowledged or incorporated into the Transport Standards.

⁸ *The Premises Standards* (Cth), parts 4-5. Available at <https://www.legislation.gov.au/Details/F2020C00976>.

⁹ *Ibid.*, s. 9.10.

¹⁰ SAI Global 2009, *AS 1428.1-2009 Design for access and mobility - General requirements for access - New building work*. Available at: <https://www.simpsonbuildinggroup.com/wp-content/uploads/2011/09/AS-1428.1-2009-Design-for-access-and-mobility-General-requirements-for-access-New-building-work.pdf>.

Section 9.10 the Transport Standards should therefore be amended to explain how it enforces the display of the international symbol of accessibility on public transport services and what colours can be used to display the symbol by making reference to the updated **AS1428.1 2009** standard.

16.1 International symbols for accessibility and deafness

Section 16.1 of the Transport Standards covers the international symbols for accessibility and deafness.¹¹ It requires the following:

- (1) The international symbols for accessibility and deafness (**AS1428.1 (2001) Clause 14.2**, *International symbol* and **Clause 14.3**, *International symbol for deafness*) must be used to identify an access path and which facilities and boarding points are accessible.
- (2) The colours prescribed in **AS1428.1 (2001) Clause 14.2 (c)** are not mandatory.¹²

The International Symbol for Deafness (also known as the International Deafness Symbol) identifies places that have functioning hearing augmentation services. The Symbol is a registered trademark in Australia of Deafness Forum Australia.¹³

Similar to section 9.10 (2), section 16.1 (2) does not explain why the colours prescribed in **AS1428.1 (2001) Clause 14.2 (c)** are not mandatory, and what alternative colours can be used. Further, section 16.1 (2) does not make reference to the updated **AS1428.1 2009** standard.

Section 16.1 (2) should therefore be amended to explain what colours can be used to display the international symbols for accessibility and deafness and make reference to the updated **AS1428.1 2009** standard, noting that the colour(s) of the International Symbol for Deafness may not be changed without the permission of the trademark owner.¹⁴

16.2 Compliance with AS2899.1 (1986)

Section 16.2 of the Transport standards covers compliance with **AS2899.1 (1986) Public information symbol signs - General information signs**.¹⁵ Section 16.2 states that the illustrations and symbols prescribed in **AS2899.1 (1986)** must be used if applicable.¹⁶ According to the Standards Australia website, AS2899.1 (1986) has been withdrawn.¹⁷ The SAI Global Standards and Legislation website states, a withdrawn Standard is “one, which is removed from sale, and its unique number can no longer be used. The Standard can be withdrawn and not replaced, or it can be withdrawn and replaced by a Standard with a different number.”¹⁸

¹¹ *The Transport Standards 2002* (Cth), s. 16.1. Available at: <https://www.legislation.gov.au/Details/F2011C00213>.

¹² Ibid.

¹³ Deafness Forum of Australia 2023, *International Deafness Symbol*. Available at: <https://www.deafnessforum.org.au/resources/international-deafness-symbol/>.

¹⁴ Ibid.

¹⁵ *The Transport Standards 2002* (Cth), s. 16.2. Available at: <https://www.legislation.gov.au/Details/F2011C00213>.

¹⁶ Ibid.

¹⁷ Standards Australia Store 2023, *AS 2899.1-198*. Available at: <https://store.standards.org.au/product/as-2899-1-1986>.

¹⁸ Intertek SAI Global Standards Legislation 2023, *AS 2899.1-1986*. Available at: https://infostore.saiglobal.com/en-au/standards/as-2899-1-1986-123527_saig_as_as_259534/.

As such, section 16.2 needs to be amended to replace the reference to **AS2899.1 (1986)**, with a current Standard on illustrations and symbols.

Recommendation 2: That sections 9.10 and 16.1 of the Transport Standards be amended to incorporate the updated **AS1428.1 2009** Standard.

Recommendation 3: That section 16.2 of the Transport Standards be amended to replace references to **AS2899.1 (1986)**, with a current Standard on illustrations and symbols.

Emergency situations

19.1 Emergency warning systems

Section 19.1 of the Transport Standards focuses on the installation of emergency warning systems.¹⁹ It requires the following:

- (1) If installed, emergency warning systems must comply with **AS1428.2 (1992) Clause 18.2.1, Emergency warning systems, Clause 18.2.2, Audible alarms, and Clause 18.2.3, Visual alarms.**
- (2) Provision must be made for people with vision impairment to locate the exit path in the event of an emergency.²⁰

Section 19.1 (2) states a provision must be made for people with vision impairment to locate the exit path in the event of an emergency.²¹ This clause, does not describe how this provision would work in practice or prescribe specific requirements to support people with vision impairment to locate the exit path.

As a such, section 19.1 (2) should be amended to prescribe specific requirements for people with vision impairment to be provided with the necessary and appropriate support to locate the exit path in the event of an emergency. This will also comply with part H2, section 2.14 (2) of the Premises Standards, which also stipulates that in the “event of an emergency, provision must be made for people with vision impairment to locate the exit path.”²²

Recommendation 4: That section 19.2 of the Transport Standards be amended to prescribe specific requirements for people with vision impairment to be

²⁰ *The Transport Standards 2002* (Cth), s. 19.1. Available at:

<https://www.legislation.gov.au/Details/F2011C00213>.

²¹ Ibid.

²² *The Premises Standards* (Cth), part H2, s. 2.14 (2). Available at:

<https://www.legislation.gov.au/Details/F2020C00976>.

provided with the necessary and appropriate support to locate the exit path in the event of an emergency.

Access to information

27.1 Access to information about transport services

Section 27.1 of the Transport Standards provides that “general information about transport services must be accessible to all passengers”.²³ To accommodate passengers with communication and sensory needs, this general transport information must be provided in a range of accessible formats. These include:

- Real-time information formats, including:
 - Clear, real-time text-based messaging
 - Clear, real-time electronic and visual signage
 - Hearing loops²⁴
- General information formats including:
 - Auslan
 - Open captions
 - Braille
 - Different community languages
 - Plain language
 - Easy-English

As such, section 27.1 of the Transport Standards, should be amended to provide information about transport services in a range of accessible formats, such as those listed above at a minimum.

Recommendation 5: That **section 27.1** of the Transport Standards be amended to provide information on transport services in a range of accessible formats.

Conclusion

The Transport Standards play a significant role in ensuring people with disability can enjoy their right to access transport. ACCAN’s submission highlights that the Transport Standards must be amended to ensure people with disability, including those with communication and sensory needs, can access public transport services on an equal and non-discriminatory basis.

ACCAN recommends that the Transport Standards are amended to clarify why certain premises are exempt from the Standards and to incorporate current Standards on signs, symbols and illustrations. ACCAN also recommends that the Transport standards are amended to provide guidance on support

²³ Ibid., s. 27.1.

²⁴ Deafness Forum of Australia 2022, *Review of Disability Standards for Accessible Public Transport*. Available at: <https://www.deafnessforum.org.au/review-of-disability-standards-for-accessible-public-transport/#>.

for people with vision impairment in emergency situations, and to ensure information about transport services is provided in a range of accessible formats.

ACCAN is available to discuss any aspects of our submission.

The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers.

ACCAN is committed to reconciliation that acknowledges Australia's past and values the unique culture and heritage of Aboriginal and Torres Strait Islander peoples. [Read our RAP](#)
