



Submission to the Department of Infrastructure, Transport, Regional  
Development and Communications

**Response to the Reform of the Disability Standards for  
Accessible Public Transport Regulation Impact Statement**

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## Who is the Physical Disability Council of NSW?

The Physical Disability Council of NSW (PDCN) is the peak body representing people with physical disabilities across New South Wales. This includes people with a range of physical disability issues, from young children and their representatives to aged people, who are from a wide range of socio-economic circumstances and live in metropolitan, rural and regional areas of NSW.

Our core function is to influence and advocate for the achievement of systemic change to ensure the rights of all people with a physical disability are improved and upheld.

The objectives of PDCN are:

- To educate, inform and assist people with physical disabilities in NSW about the range of services, structure and programs available that enable their full participation, equality of opportunity and equality of citizenship.
- To develop the capacity of people with physical disability in NSW to identify their own goals, and the confidence to develop a pathway to achieving their goals (i.e., self-advocate).
- To educate and inform stakeholders (i.e.: about the needs of people with a physical disability) so that they are able to achieve and maintain full participation, equality of opportunity and equality of citizenship.

## Summary of Recommendations

### **Recommendation 1:**

*Develop a plain English accessible resource that can be used by people with disability to understand their rights under the Transport Standards.*

### **Recommendation 2:**

*Provide resourcing to facilitate the AHRC to monitor and evaluate the effectiveness of the Standards and report back to Government.*

### **Recommendation 3:**

*Give the Australian Human Rights Commission the power to self-initiate investigations, conduct audits and issue penalties for non-compliance under the Standards.*

### **Recommendation 4:**

*Develop an App. to allow people with disability to report breaches of the Standards in real time to a regulatory authority for review.*

### **Recommendation 5:**

*That consistent mandatory disability awareness training be regulated in the Transport Standards and that a framework be established to monitor the impacts of disability awareness training in terms of increased sector knowledge and improved customer service.*

### **Recommendation 6:**

*Regulate that all public transport conveyances are required to have both passive and active restraints available for use by those using assistive aids.*

### **Recommendation 7:**

*Prescriptive and performance based Standards should be regulated across priority seating based on regulatory Option 1 - a 1:20 ratio, with passenger capacity including both seated and standing passengers, with a minimum of 2 priority seats per conveyance.*

### **Recommendation 8:**

*Postpone the inclusion of any guidelines allowing transport operators to issue identification of passengers who require priority seats, pending consultation with people with disability and their representative organisations.*

### **Recommendation 9:**

*Regulate in the Transport Standards to provide both mandatory and performance requirements for access paths, manoeuvring spaces and allocated spaces in conveyances, in alignment with the updated International ISO 7176-5 Standards.*

### **Recommendation 10:**

*Expand powers of transit officers to issue penalties to people who do not clear allocated spaces or access paths on request.*

**Recommendation 11:**

*That the Transport Standards be amended to include performance requirements for Digital Information Screens in line with the most recent Australian standards. Any standards referenced should be replicated in full as a schedule to the Standards and guidance on interpreting the performance requirements should be covered in the Transport Guidelines.*

**Recommendation 12:**

*The Transport Standards and Guidelines should be amended to provide specific detail on lift accessibility enhancements to align the requirements under the Transport Standards across the National Construction Code and the Premises Standards.*

**Recommendation 13:**

*Any disruptions to lift access (including planned interruptions) should be communicated to passengers in real time across Transport Apps such as TripView.*

**Recommendation 14:**

*Include the requirement in the Transport Standards that websites meet WCAG 2.0 AAA but allow operators to seek exemptions to this requirement if not reasonably practicable. Include WCAG 2.0 AAA as a complete document as a schedule to the Standards.*

**Recommendation 15:**

*Provide guidance on application of WCAG 2.0 AAA in the Transport Guidelines.*

**Recommendation 16:**

*Include performance-based requirements in the Transport Standards specifying that people with disability must be notified of planned and unplanned disruptions to public transport via accessible formats as soon as possible. Notifications should, where possible, be made in real time and provide estimated reinstatement times.*

**Recommendation 17:**

*Include mandatory prescriptive requirements in the Transport Standards relating to gangways including a consistent definition, maximum gradients, the use of consistent datum and chart tables and specifications for Tactile Ground Surface Indicators (TGSIs). Provide guidance on how to interpret these requirements in the Transport Guidelines.*

**Recommendation 18:**

*Variations to gradients caused by tidal forces should be communicated to passengers, with information regarding times where accessibility could be impacted for those using accessibility aids.*

**Recommendation 19:**

*The Transport Standards should regulate the inclusion of Assistance Animal Toileting facilities across public transport, including the location, design and frequency of such facilities, with guidance on applying these provisions in the Transport Guidelines.*

**Recommendation 20:**

*The Transport Standards should include provisions for emergency egress from public transport infrastructure, premises or conveyances. Mandatory training on how to assist passengers with disability to evacuate public transport during emergencies should be incorporated into emergency evacuation training for all staff.*

**Recommendation 21:**

*Include provisions within the Transport Standards and the Transport Guidelines regarding mandatory prescriptive and performance-based elements for accessways in line with the recommendations in the regulatory impact statement.*

**Recommendation 22:**

*Ensure consistency of wayfinding requirements across the NCC, the Premises Standards and the Transport Standards.*

**Recommendation 23:**

*Regulate mandatory prescriptive elements for wayfinding in the Transport Standards and the Transport Guidelines, as recommended in the Regulatory Impact Statement.*

**Recommendation 24:**

*The Transport Standards should include mandatory prescriptive and/or performance requirements in the Transport Standards and the Transport Guidelines in line with the regulatory option in the Regulatory Impact Statement.*

**Recommendation 25:**

*The Transport Standards should provide detailed prescriptive information on both passenger waiting and loading areas in line with a 'whole of journey approach'.*

**Recommendation 26:**

*Public transport operators, including taxi and ride share operators, should be required to receive training in safe loading and unloading of passengers with disabilities.*

**Recommendation 27:**

*Include an update to the Transport Standards requiring the provision of public transport information in a variety of accessible formats, as well as requiring transport operators to make all reasonable efforts to facilitate information in other accessible formats on request.*

**Recommendation 28:**

*Consolidate all requirements under the Transport Standards into the standards themselves, or otherwise provide any referenced Standards in a Schedule of the Transport Standards, so they are easy to refer to and free to access.*

## Introduction

Disability is, in the words of the Australian Human Rights Commissioner Edward Santow, *"Part of the human condition"*.

Accessible public transport is beneficial to everyone. Parents with young children and prams, older persons, pregnant women, people with physical disabilities and those with temporary injuries all benefit from accessible design features across public transport. Given this, accessibility, in our minds is synonymous with universal design - everyone, will, at some point, have cause to use it or otherwise receive some secondary benefit from its existence.

For many of our members who live with physical disability, the realisation of these benefits is more immediately apparent. Our members use public transport as a means of accessing employment or education, connecting with friends and relatives and participating in recreational activities.

### ***The limitations of a RIS approach when considering broad social "goods."***

Regulatory Impact Statements (RIS) as a mechanism to determine whether to regulate, are often problematic when considering broad 'social goods' such as disability inclusion. It is impossible to put a costing on international reputation, public confidence, or the benefits to individuals from living in an inclusive society.

At the same time, the flow on effects of regulatory changes relating to social goods are expansive – access to public transport affects most aspects of a person's public life and can be linked to increased participation in work and education. There is also often a moral imperative to regulate that sits separate to a cost/benefit analysis.

There is a broader question here about what is 'equitable' and the decision *"to regulate or not?"* sends a significant message either way in terms of how Australia prioritises the rights of people with disability and its commitment to creating an inclusive Australian society.

Given that Australia has committed to disability inclusion via the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), there is strong argument to say that a cost benefit analysis is inappropriate in this context and only serves to diminishes the importance of fundamental human rights.

### ***Structural deficiencies in the approach to meeting Australia's accessibility commitments need to be resolved.***

There are various structural deficiencies across State and Territory transport systems which affect Australia's ability to meet its international and domestic obligations in relation to accessibility. The Standards lack clarity or definitive guidance on how to meet objectives and there is no framework to track compliance.

Additionally, the Standards are difficult to find unless people specifically know what they are looking for and are highly technical. Efforts should be put towards greater public awareness of the existence of the Standards and a plain English resource should be publicly available summarising the requirements under the Standards. Electronic apps have broad accessibility and would be our preferred format.

**Recommendation 1:**

*Develop a plain English accessible resource that can be used by people with disability to understand their rights under the Transport Standards.*

**A mechanism to assess the effectiveness of the Standards is critical.**

A major deficiency of the Standards is that there is no mechanism to evaluate their impact in terms of compliance under the Disability Discrimination Act, the National Disability Strategy or the UNCRPD. Without mechanisms to assess effectiveness, it is extremely difficult to track Australia's progress in terms of accessible transport, or to work towards continuous improvement.

Current Standards timeframes for compliance have already been exceeded and extended beyond that which is reasonable - more than 10 years in some instances – an unacceptable delay for any individual with disability relying upon public transport.

We recommend the development of an administrative body to administer the Standards and evaluate their effectiveness and report to Government. We see the Australian Human Rights Commission (AHRC) as being best positioned to take on this responsibility.

**Recommendation 2:**

*Provide resourcing to facilitate the AHRC to monitor and evaluate the effectiveness of the Standards and report back to Government.*

**A complaints-based model is not fit for purpose.**

The complaints-based model under the Disability Discrimination Act (the DDA) does not align with the objectives of the Standards. It does not provide for any precedents that can be used to create broad cultural understanding and change, nor provide any consistent level of enforcement. If we expect uniform progress towards greater accessibility, there needs to be broad oversight and enforceability. It is also important that consistent interpretations of the Standards are established via body of caselaw.

We would like to see a centralised body established to monitor compliance with the Standards. This body should be granted the power to conduct independent investigations and to take enforcement activities. Given that the Australian Human Rights Commission has responsibility to investigate complaints, it would be logical for it to assume a more substantive regulatory function.

At the same time, it appears that the complaints system under the DDA is being underutilised in preference to more localised solutions, which are seen as a quick, low effort



way to resolve accessibility issues in real time. Our members have commented that they see limited value in lodging complaints under the DDA, on account of the fact that it represents a substantial amount of time and effort, with no guarantee that their rights will be enforced.

Our members highlighted an App used across Local Government Areas (LGAs) called 'Snap, Send, Solve' - <https://www.snapsendsolve.com/> which allows people to lodge complaints about local council issues in real time, including images and

We see significant value in a similar App. being developed for the public transport industry for use by passengers who do not wish to use the formal complaints process, with complaints being referred to the relevant State Transport Authorities for resolution.

***Recommendation 3:***

*Give the Australian Human Rights Commission the power to self-initiate investigations, conduct audits and issue penalties for non-compliance under the Standards.*

***Recommendation 4:***

*Develop an App. to allow people with disability to report breaches of the Standards in real time to a regulatory authority for review.*

## **1. Staff Training and Communication**

*PDCN supports the proposed regulatory option.*

***Disability awareness is necessary to understand and respond to barriers.***

Disability awareness training is critical to understanding the challenges and barriers experienced by people with disabilities and forms a basis for developing best practice in customer service and good built environment design. Customer service staff and designers can all benefit from understanding and appreciating how people with disability navigate the public transport system.

Federal, State and Territory Governments should demonstrate best practice in terms of disability awareness both across Government owned and operated transport and private public partnership arrangements (PPPs).

***Co-design and the capacity to evaluate training are vital.***

Disability awareness training should be co-designed with people with disability to ensure that it is relevant to addressing their requirements as passengers of public transport. The effectiveness of training must also be evaluated. We would recommend an evaluation framework that both looks at the changes in knowledge and attitudes across public transport staff and changes across passenger experiences.

***A customer-centred approach that focuses on 'the whole journey' is required.***

We are conscious of the limited framing of training in the RIS as 'disability awareness'.

PDCN hopes to see training that extends beyond disability awareness and focuses on high quality public transport experiences for passengers with disability, which includes customer service, the provision of support, the safe use of assistive aids and passive and active containment systems extending to inclusive transport infrastructure design. We recommend training based on a *'whole of journey approach'*, which should be consistent across States and Territories.

Knowing staff are trained to be aware and responsive to the access needs of people with disability would greatly enhance our members' confidence in, and use of, public transport.

**Recommendation 5:**

*That consistent mandatory disability awareness training be regulated in the Transport Standards and that a framework be established to monitor the impacts of disability awareness training in terms of increased sector knowledge and improved customer service.*

## **2. Mobility Aid Safety**

*PDCN supports the regulatory option.*

Securing mobility aids is a matter of basic transport safety. Mobility aids can be extremely heavy and pose a risk to passengers if they become displaced during starts, stops and turns. They can also become damaged through sliding or tipping out of allocated spaces.

***Limitations on the practical use of active restraints.***

We note that it is not uncommon for people on public transport to have large items that are not secured, for instance luggage, and we are mindful that requiring restraints for assistive aids where seatbelts are not required, places a burden on people with disability which could be interpreted as discrimination. People with disabilities may experience difficulties in using active restraints themselves, which would require them to rely on assistance from others.

Similarly, we know that some people with disability feel uncomfortable to use active restraints on public transport because it can be hard to independently release restraints to exit or release quickly in the case of an emergency.

Whilst we support the use of active restraints as the safest way to travel when using a mobility aid, mandating their use would limit the independence of people with disability and be problematic across forms of public transport which operate to set timetables, such as trains, trams and buses, or where there are limited staff and the potential of one or more people needing assistance to restrain their assistive aids.

Where active restraints have been mandated, for example, across all Wheelchair Accessible Taxis (WATS) time pressures are less of a problem and there is only a single passenger to assist at any one time. Drivers are also required to undergo specific training and are paid a premium for this load and 'tie down' time.

### ***Both passive and active restraints should be provided.***

It is important that options for both passive and active restraining mechanisms are available for use across all public transport, allowing people with disability to use whichever restraint is best for them. Public transport operators and staff should be trained in the correct use of restraints and able to assist passengers with disability if required.

*"The bigger issue with travelling on public transport for persons with mobility issues are appropriate restraints for the mobility devices, for example, ensuring that the wheelchair is correctly restrained and occupant restraint systems...[and] once the mobility device is restrained, ensuring that an appropriate occupant restraint device is available."*

- person with physical disability who uses a wheelchair.

Innovation in the development of active restraints that are easy to operate should be prioritised and facilitated through co-design with people with disability and the assistive technology sector.

#### ***Recommendation 6:***

*Regulate that all public transport conveyances are required to have both passive and active restraints available for use by those using assistive aids.*

### **3. Priority Seating**

*PDCN supports regulatory Option 1 – a 1:20 ratio, with passenger capacity including both seated and standing passengers, with a minimum of 2 priority seats per conveyance.*

Priority seating is generally interpreted as being for those with disabilities, pregnant women and older people. Current ratios of priority seating are inadequate and will only become increasingly more so.

There are currently no penalties for people who use these seats inappropriately. Access to priority seating is often problematic for people with disability. Signage denoting priority seating is inconsistent across different forms of public transport and priority seats are not always clearly marked.

There is a lack of community awareness around who should use the seats, and the spaces provided by fold out priority seats are often used to store large items such as luggage, or prams. Priority seats can also be difficult to access or exit in cases where there are standing passengers blocking accessways. Access to priority seating should be enforced by Transit Officers as part of their usual inspections, and penalties issued for people who refuse to vacate priority seats on the request of an operator or other authority.

A range of styles of priority seating should be available, noting that a proportion of people with disability find design features such as sideways facing orientation, lack of bracing structures and pull-down seating problematic. It may be useful to provide priority seats for

different types of disability, for example, seats for ambulant people and those who use assistive aids. We would recommend mandating at least one bank of folding priority seats per conveyance.

Priority seating should be designed with bracing supports (grab bars) and signal buttons that are easy to access. A proportion of priority seats should have the capacity to accommodate an assistance animal and mobility devices and other assistive aids should be able to be stored close to the passenger.

We note that the use of folding seats, while often necessary to accommodate passengers using mobility aids, can reduce the overall number of priority seats, with up to three seats utilised per passenger. A bank of folding priority seats should be recognised as 1 seat when determining ratios.

***PDCN does not support the operators issuing identification for people with disability.***

We are highly uncomfortable with the idea that operators or providers may choose to issue identification for people with disability to determine their eligibility for priority seating and would not support this recommendation.

There are a broad range of privacy issues relating to how someone might be required to 'prove' their disability, what disabilities would meet the threshold of requiring priority seating and how such information might be stored and used. People with disability should be able to self-identify as requiring priority seating or not - as they choose.

It is not possible to expand on this point within the scope of this submission. We recommend the issue of identification be explored in consultation with people with disability and the disability sector as a separate issue.

***Recommendation 7:***

*Prescriptive and performance based Standards should be regulated across priority seating based on regulatory Option 1 - a 1:20 ratio, with passenger capacity including both seated and standing passengers, with a minimum of 2 priority seats per conveyance.*

***Recommendation 8:***

*Postpone the inclusion of any guidelines allowing transport operators to issue identification of passengers who require priority seats, pending consultation with people with disability and their representative organisations.*

#### **4. Allocated spaces in transit**

*PDCN supports the regulatory option.*

Obstacles blocking allocated spaces and access paths pose a serious hazard for those with disability. Reduced passenger loads, adequate space for storing items such as bags and designated "standing free zone" may go some way towards reducing this problem but will not these issues completely.

We see benefit in firmer regulation requiring passengers to clear allocated spaces and access paths extending to penalties for non-compliance on request.

We note that the International ISO 7176-5 Standard concerning the dimensions, mass and manoeuvring space of wheelchairs is currently under review and that this will impact the AS/NZS Standards. The Transport Standards should reflect any updates across the International Standard.

**Recommendation 9:**

*Regulate in the Transport Standards to provide both mandatory and performance requirements for access paths, manoeuvring spaces and allocated spaces in conveyances, in alignment with the updated International ISO 7176-5 Standards.*

**Recommendation 10:**

*Expand powers of transit officers to issue penalties to people who do not clear allocated spaces or access paths on request.*

## **5. Digital Information Screens**

*PDCN supports the regulatory option but notes we are unable to access Australian Standards 1428 referred to in the RIS.*

***Both location and positioning (height and orientation) of digital information screens are important.***

The location of digital screens is very important to many of our members who may need to access public transport via specific locations. The height of digital information screens and the orientation of these screens is also significant for our members who use wheelchairs. Audio enabled information screens, such as those sometimes used at ATMs, greatly enhance information accessibility for people who are blind or vision impaired.

We are strongly in support of consistent display requirements across different modes of public transport and the provision of information in a range of accessible formats, for example, providing information on both information screens at a station, and in an App.

Digital technology and best practice in terms of digital accessibility are constantly being updated and it is important that the DPART continues to keep across these changes. We stress the importance of co-design and testing by people with disability across all information technology upgrades.

**Recommendation 11:**

*That the Transport Standards be amended to include performance requirements for Digital Information Screens in line with the most recent Australian standards. Any standards referenced should be replicated in full as a schedule to the Standards and guidance on interpreting the performance requirements should be covered in the Transport Guidelines.*

## 6. Lifts

*PDCN supports the regulatory option.*

Lifts are critical to accessing public transport and public transport buildings for many of our members and are a fundamental aspect of accessible design. We strongly endorse consistency in terms of lift requirements under the NCC, the Premises Standards and the Transport Standards.

In addition to the recommendations already provided in the RIS, PDCN recommends that information regarding lift access, or lift repairs should be available in real time across public transport apps, for example, on TripView.

Where lifts are impacted across regional public transport with no alternative access, for example, at a regional train station, PDCN advocates for people with disability to be provided with accessible public transport alternatives.

When determining the dimensions of lifts, PDCN notes that the International ISO 7176-5 Standard concerning the dimensions, mass and manoeuvring space of wheelchairs will impact the AS/NZS Standards. The Transport Standards should reflect any updates across the International Standard as they occur.

### **Recommendation 12:**

*The Transport Standards and Guidelines should be amended to provide specific detail on lift accessibility enhancements to align the requirements under the Transport Standards across the National Construction Code and the Premises Standards.*

### **Recommendation 13:**

*Any disruptions to lift access (including planned interruptions) should be communicated to passengers in real time across Transport Apps such as TripView.*

## 7. Website Accessibility

*PDCN supports the regulatory option, sub-option 2 - regulate to WCAG 2.0 AAA.*

It is important that any websites providing information about public transport are as accessible as possible for people with disabilities and conform with the latest International Accessibility Guidelines. Sub-option 2 is preferable, since it emphasises the expectation that public transport operators will design their websites to WCAG 2.0 AAA, unless this is not practically feasible.

### **Recommendation 14:**

*Include the requirement in the Transport Standards that websites meet WCAG 2.0 AAA but allow operators to seek exemptions to this requirement if not reasonably practicable. Include WCAG 2.0 AAA as a complete document as a schedule to the Standards.*

**Recommendation 15:**

*Provide guidance on the application of WCAG 2.0 AAA in the Transport Guidelines.*

**8. Communication during service disruption**

*PDCN supports the regulatory option.*

People with disabilities can be significantly impacted by service disruptions and may have limited alternative options if a particular transport service is disrupted. It may also not be practically feasible for people with disability to wait for extended periods of time for alternative transport, especially in areas where seating is limited, or where accessible amenities are not provided.

We support a performance-based requirement in the Transport Standards which sets out a protocol for notifying people with disability about any planned or unplanned disruptions. It is important that information is provided a variety of accessible formats, both online and in physical locations. Where possible, disruptions should be reported in real time on Apps such as TripView with estimated timeframes for resolution where feasible.

**Recommendation 16:**

*Include performance-based requirements in the Transport Standards specifying that people with disability must be notified of planned and unplanned disruptions to public transport via accessible format as soon as possible. Notifications should, where possible, be made in real time and provide estimated reinstatement times.*

**9. Gangways**

*PDCN supports the regulatory option but notes that we cannot access AS 3962-2001.*

We appreciate that gangway specifications are challenging to regulate due to variable tides and other factors. PDCN supports prescriptive requirements in relation to gangways and appreciates that there will need to be scope for flexibility to account for practical limitations around compliance.

It would also be useful for passengers to be notified of times where gradients may be impacted at specific jetties during high or low tides as a potential service disruption.

**Recommendation 17:**

*Include mandatory prescriptive requirements in the Transport Standards relating to gangways including a consistent definition, maximum gradients, the use of consistent datum and chart tables and specifications for Tactile Ground Surface Indicators (TGSIs). Provide guidance on how to interpret these requirements in the Transport Guidelines.*

**Recommendation 18:**

*Variations to gradients caused by tidal forces should be communicated to passengers, with information regarding times where accessibility could be impacted for those using accessibility aids.*

## 10. Assistance Animals Toileting facilities

*PDCN supports the regulatory option.*

We support regulating areas for assistance animals to toilet. It would be useful to understand the definition of 'close proximity' in relation to distance between these facilities and note that there may be some circumstances where it is reasonable to anticipate that animals may be required to travel for extended periods of time, for example, regional train stations and airports, where facilities should be offered regardless of alternatives available close by.

Facilities should feature a waste disposal bin as part of the standard design, on the basis that public rubbish bins up to 100 metres away may be difficult to locate and may be in locations that are difficult (or dangerous) to access.

Information about the location of Assistance Animal Toileting Facilities should be available in a range of accessible formats, including public transport websites and Apps.

In areas where Assistance animal toileting facilities are located inside buildings, we consider it would be useful to position them within proximity to other accessible facilities, such as accessible toilets and lift and change facilities.

### **Recommendation 19:**

*The Transport Standards should regulate the inclusion of Assistance Animal Toileting facilities across public transport, including the location, design and frequency of such facilities, with guidance on applying these provisions in the Transport Guidelines.*

## 11. Emergency egress

*PDCN supports the regulatory option.*

It is critical that people with disability can safely evacuate from public transport infrastructure in emergency situations such as fire. Given the inherent risks that could result from a lack of egress options, we strongly support mandatory provisions in the Transport Standards relating to emergency egress.

Emergency egress routes should be clearly marked in a range of accessible formats, well-lit and feature dimensions that accord with any updates to the International ISO 7176-5 Standard on dimensions, mass and manoeuvring space of wheelchairs. Emergency egress routes should remain clear at all times and information on the location of these routes and more generally on assisting people with disability to evacuate from public transport in an emergency, should be incorporated into emergency evacuation training for all staff.

Information about emergency situations should be communicated in a variety of formats to ensure accessibility, e.g., audio announcements, flashing warning lights etc.



We strongly advocate for co-design with people with disability and emergency services personnel in the development of any evacuation processes or egress options for people with disability.

**Recommendation 20:**

*The Transport Standards should include provisions for emergency egress from public transport infrastructure, premises or conveyances. Mandatory training on how to assist passengers with disability to evacuate public transport during emergencies should be incorporated into emergency evacuation training for all staff.*

## **12. Fit for purpose accessways**

PDCN supports the regulatory option.

PDCN supports an approach based on universal design as the best way to ensure accessibility for public transport accessways. We strongly support accessways that allow people with disability to leave public transport nodes at peak times or during emergencies with the same level of convenience as passengers using other routes, such as stairs.

We consider a shift to viewing stairs as a concession, rather than the 'sole means of access', will significantly enhance the capacity for people with disability to access public transport and agree that it is important to reference the requirement that access paths be kept clear during day-to-day use.

**Recommendation 21:**

*Include provisions within the Transport Standards and the Transport Guidelines regarding mandatory prescriptive and performance-based elements for accessways in line with the recommendations in the regulatory impact statement.*

## **13. Wayfinding**

PDCN supports the regulatory option.

We strongly support the expansion of wayfinding provisions to better cater for the accessibility requirements of people who are blind or vision impaired. There needs to be consistency across the Transport Standards, the Premises Standards and the NCC and consistent practices in relation to the use and placement of wayfinding signage across all forms of public transport.

**Recommendation 22:**

*Ensure consistency of wayfinding requirements across the NCC, the Premises Standards and the Transport Standards.*

**Recommendation 23:**

*Regulate mandatory prescriptive elements for wayfinding in the Transport Standards and the Transport Guidelines, as recommended in the Regulatory Impact Statement.*

## 14. Tactile ground indicators

PDCN supports the regulatory option.

We appreciate that tactile ground indicators, whilst potentially dangerous for those using mobility aids, act as an important wayfinding tool for people who are blind or vision impaired, allowing them to perceive and respond to potential hazards.

We are aware of increased incidents involving tactile indicators, potentially connected with their overuse. PDCN notes the comment below from a claim management specialist company which highlights confusion about the purpose of tactile ground indicators:

*There is a common misconception of the purpose for these small round bumps and many think that they are there to provide a slip resistance surface in wet weather, or to prevent prams or trolleys from rolling across a road.<sup>1</sup>*

PDCN considers that regulation which clearly sets out the competing access considerations and prescribes the appropriate use of tactile ground indicators is the best compromise solution at this point. We also strongly support ongoing dialogue with relevant disability groups to canvas a compromise situation in which the needs of both groups are sufficiently addressed. We agree that good design and the provision of alternative wayfinding cues should be utilised where possible.

### **Recommendation 24:**

*The Transport Standards should include mandatory prescriptive and/or performance requirements in the Transport Standards and the Transport Guidelines in line with the regulatory option in the Regulatory Impact Statement.*

## 15. Passenger loading areas

PDCN supports the regulatory option – sub-option 3 – the first and last taxi rank space, as well as 1 space for every 4 spaces between the first and the last space where there are more than 5 spaces, should be accessible.

PDCN members who use wheelchairs state that a common issue is that passenger loading and unloading areas are located at the rear of vehicles, which can mean that passengers may end up in the line of traffic, particularly in carparks.

Likewise, we are aware of situations where people who are blind or vision impaired have exited taxis and ride share vehicles only to then have to negotiate curb and guttering or uneven surfaces, and situations where loading zones have been built at gradients that are not appropriate for those who use wheelchairs.

Accessible loading zones and areas to wait for public transport are critical to ensure passenger safety. The design of parking spaces in public transport nodes is also important – consideration should be given both to the width and depth of disability accessible parking spaces to ensure that passengers using wheelchairs can safely embark and disembark.

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<sup>1</sup> Olivia Castrisios, Tactile indicators, friend or foe? , Proclaim Claims Management < <https://www.proclaim.com.au/news/tactile-indicators-friend-or-foe/>> accessed 30 April 2021.

Education is also critical to ensure passenger safety. Public transport operators should be mindful of the specific accessibility needs of passengers and ensure that conveyances are positioned to allow passengers to embark and disembark as safely as possible, particularly in situations where external factors such as light, weather or traffic, may also play a factor.

**Recommendation 25:**

*The Transport Standards should provide detailed prescriptive information on both passenger waiting and loading areas in line with a 'whole of journey approach'.*

**Recommendation 26:**

*Public transport operators, including taxi and ride share operators, should be required to receive training in safe loading and unloading of passengers with disabilities.*

## **16. Provision of information in multiple formats**

*PDCN supports the regulatory option.*

Heavy or exclusive reliance on electronic means to provide general information regarding public transport can disadvantage several groups, including those who might have difficulties accessing computers or tablets or smart phone technology. Cohorts who be disadvantaged include older persons, people who are blind or vision impaired or people who are unable to physically manipulate these devices and those without the monetary means to purchase such devices.

PDCN supports an update to the Transport Standards which requires public transport providers to provide information about public transport in multiple formats, including non-electronic means. We also support updates that require transport operators to make all reasonable efforts to facilitate the provision of information in a particular accessible format on request.

**Recommendation 27:**

*Include an update to the Transport Standards requiring the provision of public transport information in a variety of accessible formats, as well as requiring transport operators to make all reasonable efforts to facilitate information in other accessible formats on request.*

## **17. Amendments to references in the Australian Standards**

***'Paywalls' for access to the Standards pose a major impediment.***

The Transport Standards refer to Australian and New Zealand Standards that are copywrite and must be purchased. This is a huge impediment for people with disability and the advocacy organisations that assist them in understanding the technical requirements of specific aspects of the Standards. This creates an equity 'paywall' which disadvantages those who the Standards are intended to assist.

A further issue is that the Standards are produced in a format that is not accessible for people who are blind or vision impaired, who are required to use screen readers – we

understand that this issue has been raised with Standards Australia, but no efforts have been made to remedy this.

A plain English resource summarising the requirements under the Standards would reduce the need for people to refer to the Standards or Guidelines, notwithstanding this, we would recommend that the Transport Standards are as prescriptive as possible in and of themselves. To the extent that this is not possible, any other Standards referred to in the Transport Standards should be included within a Schedule of the Standards.

**Recommendation 28:**

*Consolidate all requirements under the Transport Standards into the standards themselves, or otherwise provide any referenced Standards in a Schedule of the Transport Standards, so they are easy to refer to and free to access.*

## Concluding comments

Public transport is an essential service for many people with physical disability and is recognised as an inherent aspect of disability inclusion within the scope of the UNCRPD.

We need to create a framework in which the public transport sector is aware, responsive, and accountable to passengers with accessibility needs, but still flexible enough to respond to a diverse range of access requirements and rapid changes across the assistive technology and communications industries. We also need a transport industry that is prepared to meet the challenge of an increasingly ageing Australian population.

The regulatory impact statement has provided numerous recommendations which could enhance the experiences of people with disability across the public transport network. These recommendations are clearly the result of extensive consultation with people with disability and speak to a commitment by the Department towards meeting commitments under the DDA and the UNCRPWD.

Our concern is that any regulation under the Transport Standards will be ineffectual without broader reform of the administrative mechanisms under the DDA. We need to see greater public awareness and understanding of the provisions of the Transport Standards and better ways for people with disability to access their rights under the Standards.

Public transport operators must be required to commit to action plans to address accessibility shortfalls, and enhancement of the Transport Standards must be coupled with mechanisms both to monitor and enforce compliance.