

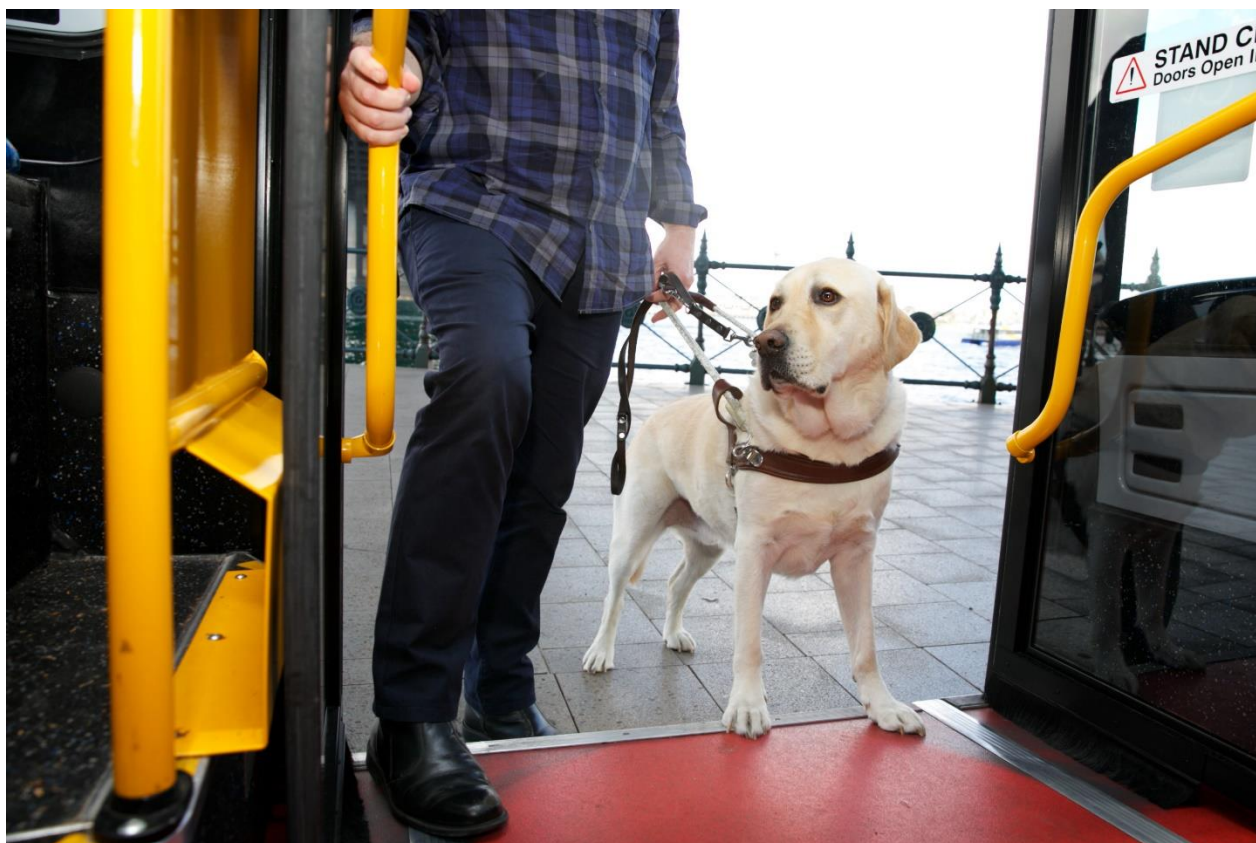


Australian Government

Department of Infrastructure, Transport, Regional Development and Communications

Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)

November 2021



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Director—Publishing and Communications
Communication Branch
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 594
Canberra ACT 2601
Australia

Email: publishing@communications.gov.au OR publishing@infrastructure.gov.au

Websites: www.infrastructure.gov.au | www.communications.gov.au | www.arts.gov.au.

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Abbreviations

Table of abbreviations

Abbreviation	Description
AAF	Aviation Access Forum
ABS	Australian Bureau of Statistics
ACT	Australian Capital Territory
ADR	Australian Design Rules
AFDO	Australian Federation of Disability Organisations
AHRC	Australian Human Rights Commission
APTJC	Accessible Public Transport Jurisdictional Committee
ARA	Australasian Railway Association
ATIA	Australian Taxi Industry Association
Austroroads	Association of Australian and New Zealand road transport and traffic authorities
BIC	Bus Industry Confederation
CAS	Communication Access Symbol (accreditation)
CBS	Centralised Booking System
CPVV	Commercial Passenger Vehicle Victoria
CRPD	United Nations Convention on the Rights of Persons with Disabilities
DAFP	Disability Access Facilitation Plan
DDA	Disability Discrimination Act 1992
DPTI SA	The former South Australian Department of Planning, Transport and Infrastructure, now SA Department for Infrastructure and Transport
GPS	Global Positioning System
MaaS	Mobility as a Service
MMD	Motorised Mobility Device
MPTP	Multi-Purpose Taxi Program
NGR	Next Generation Rollingstock
NSPs	Network Services Providers
NSW	New South Wales
NT	Northern Territory
PIAC	Public Interest Advocacy Centre
PIDs	Public Information Displays
PTA of WA	Public Transport Authority of Western Australia
PTO	Public Transport Ombudsman (Victoria)
PTV	Public Transport Victoria
Qld	Queensland
QAI	Queensland Advocacy Incorporated
RIS	Regulation Impact Statement

Abbreviation	Description
SA	South Australia
SDAC	Australian Bureau of Statistics Disability, Ageing and Carers Survey
TGSI	Tactile Ground Surface Indicator
TMR Qld	Queensland Government Department of Transport and Main Roads
TSS	Taxi Subsidy Scheme
TTSS	Taxi Transport Subsidy Scheme
VPIS	Vehicle Passenger Information System
WA	Western Australia
WAT	Wheelchair Accessible Taxi
WCAG	Web Content Accessibility Guidelines

Executive summary

Background

Around one in five Australians has a disability. Many face significant barriers in work, study, getting around and simply taking part in everyday activities. The *Disability Discrimination Act 1992* (Cth) (DDA) gives the Attorney-General the power to make disability standards in relation to unlawful discrimination, promoting equal rights, opportunity and access for people with disability. The Disability Standards for Accessible Public Transport 2002 (Transport Standards) provide further guidance about the rights and obligations under the DDA and establish the minimum accessibility requirements to be met by providers and operators of public transport.

Purpose of this report

This report presents the third five-year review of the Transport Standards. It provides an assessment of the efficiency and effectiveness of the Transport Standards over the five-year period to December 2017. The data referenced in this report relates to this period. This review seeks to understand whether discrimination has been removed, as far as possible, according to the requirements for compliance set out in Schedule 1 of the Transport Standards; and advise on any necessary amendments to the Transport Standards.

Under the Terms of Reference, released on 17 December 2017, this review is required to:

- assess whether discrimination has been removed, as far as possible, according to the requirements for compliance set out in Schedule 1 of the Transport Standards
- advise on any necessary amendments to the Transport Standards
- report public views on progress towards achievement of targets set out in the Transport Standards
- assess compliance with the requirements set out in Schedule 1 of the Transport Standards, in particular those under Part 3 of Schedule 1
- identify initiatives and actions with respect to removing discrimination from public transport services undertaken by state and territory governments since the 2012 Review
- assess the progress of the implementation of the response to the 2012 Review.

This review has been undertaken by the Department of Infrastructure, Transport, Regional Development and Communications on behalf of the Minister for Infrastructure, Transport and Regional Development. The review has been undertaken in consultation with the Attorney-General's Department. This report presents the review findings and recommendations which were developed following consultations with stakeholders and the release of an issues paper.

The report has been prepared with input and support from PricewaterhouseCoopers Consulting (Australia) Pty Ltd (PwC).

Progress of implementation of the 2012 Review recommendations

The 2012 Review of the Disability Standards for Accessible Public Transport 2002 report and the Australian Government response were released on 10 July 2015. The 2012 Review made a number of recommendations that the Australian Government supported. A total of seven recommendations were made in the 2012 Review, each of which the Australian Government either noted, agreed or supported in principle. Four out of the seven recommendations have or are being implemented. This included the commencement of a project to modernise the Transport Standards. Three recommendations were noted and not supported due to the inherent challenges and difficulties for successful implementation.

Assessment of effectiveness and efficiency of the Transport Standards

This review provides an assessment of the effectiveness and efficiency of the Transport Standards, in the five-year period since the 2012 Review, across a number of aspects.

Effectiveness in removing discrimination for people with disability

By 2017, 80 or 90 per cent of all conveyances, infrastructure and premises that were already in use prior to 23 October 2002 were required to be compliant with the Transport Standards. Submissions from industry, and state and territory governments, provided to this review indicate an overall improvement and increased investment in accessible public transport, thereby facilitating the removal of discrimination. However, this information is largely qualitative and varies too much to allow a consistent national 'picture' of compliance with the Transport Standards to be developed. This view of the challenges faced in addressing accessibility needs is even more unclear in regional and remote Australia.

Many stakeholders expressed challenges with the effectiveness of the Transport Standards, including:

- The disability community see their involvement in public transport planning and procurement processes as critical to ensure accessibility is a fundamental consideration
- Inadequate information is a major issue experienced by people with disability endeavouring to use public transport
- There is a lack of understanding by public transport staff that impacts on people with disability using public transport
- Rail platform access issues are preventing people with disability from undertaking successful journeys by rail
- Operators and providers need to be provided greater certainty when considering alternative or 'equivalent access' solutions
- The Transport Standards need to be modernised to meet the current and future needs of the community.

Infrastructure Australia's Australian Infrastructure Audit 2019 indicates that services and infrastructure in most jurisdictions are unlikely to be fully compliant with the Transport Standards.

While there have been improvements and investment in accessible public transport, significant work is still needed to maintain progress and ensure the removal of discrimination in access to public transport. This review found that the December 2022 deadline for 100 per cent compliance is unlikely to be met.

Effectiveness of the regulatory approach

The Transport Standards have brought about increased accessibility to public transport systems in Australia. However, they were largely drafted in the early to mid-1990s and require updating to reflect current technology and address situations where they may not be providing the right outcomes. People with disability must remain at the forefront of any reform processes as any reduction, in effect, would be perceived as a reduction in access.

Various elements of the current regulatory approach have been raised in government, industry and community submissions to this review as impacting the effectiveness of the Transport Standards to meet its overarching objectives. Issues raised relating to the effectiveness of the regulatory approach include the following:

- The level of prescription. Submissions raised concerns with the level of prescriptive as opposed to performance-based standards underpinning the standards. Modernising the standards to increase flexibility and address this stakeholder concern remains a priority, consistent with the 2012 Review.
- The temporary exemption process. Strong concerns have been raised by the disability community concerning the temporary exemption process. Submissions identified instances when granting an exemption was important to the community or led to beneficial outcomes. However, the granting of repeated extensions and exemptions has reduced confidence for the travelling public and is thought to have resulted in a stasis in compliance with the Transport Standards in many areas.
- Equivalent access provision. Submissions identified the lack of clarity in relation to equivalent access provision as a mechanism for providers to meet obligations under the Transport Standards. Greater clarity on the use of equivalent access would provide a key opportunity to improve outcomes, encourage innovation and further the objectives of the standards.
- Principles and obligations of United Nations Convention on the Rights of Persons with Disabilities (CRPD). Disability community organisations perceive a need for the principles and obligations of the CRPD relating to rights of persons with disabilities, including rights relating to choice, inclusion and control, to be incorporated into the Transport Standards or other relevant legislative instruments to support progress in improving accessibility of public transport.

Scope of the Transport Standards

This review was called upon to consider the possible incorporation of a number of new forms of transport under the standards. Submissions focused on the scope of the Transport Standards in the following areas:

- Rideshare. The Transport Standards currently have little to no influence on rideshare services. Rideshare services have the potential to deliver greater independence for people with disability who have traditionally been reliant on taxis as their primary form of transport. Rideshare technology provides an opportunity for increased accessibility as a part of the public transport system. However, a number of submissions raised concerns surrounding the effect of rideshare services on people with disability. The concerns focus around the effect on existing wheelchair accessible taxi (WAT) services, booking methods, access for guide dogs and training for rideshare operators in assisting people with disability to access their services.
- Further innovation in public transport. The transport sector is experiencing disruption and innovation. Flexible service models are already transforming traditional services and offering new choices to transport customers. Automation and digital connectivity are also changing the way people use transport, bringing more flexibility, choice and integration. Mobility as a Service (MaaS)

also offers the potential to revolutionise the future of mobility, including the move from private vehicle ownership to an integrated, multi-modal service, which includes journey planning, booking and payment. There is a potential risk that these and other future innovative services will not be defined under the traditional public transport model. Submissions called for the next iteration of the Transport Standards to incorporate new and emerging forms of transport as they arise.

Efficiency of administration of the Transport Standards

Since the introduction of the Transport Standards in 2002, progress has been made in making public transport more accessible. However, this review found that cost, legal, legacy challenges, the prescriptive nature of the standards and other practical challenges exist, making the provision of accessible public transport services difficult in many instances.

The calls for reform and modernisation identified in the 2012 Review are now critical to ensuring that people with disability have fair and equal access to transport so they can participate in their communities, gain meaningful employment and access the services they need. The major challenges expressed in submissions to this review relate to difficulty associated with meeting Transport Standards compliance targets.

Issues raised include the following:

- The cost to comply with the Transport Standards were noted in submissions from all levels of government and industry. Industry flagged the significant capital investment required to meet the 2017 and 2022 targets in the 2012 Review, with submissions indicating these challenges are now even greater.
- Challenges with meeting compliance targets were highlighted by industry submissions, with the passenger rail, ferry, and bus industries all noting the inherent challenges of complying with the Transport Standards due to their unique operating environment and significant supporting infrastructure requirements.
- Calls for reform of the Transport Standards was a clear theme among submissions from both industry and the disability community. There is a strong case for the inclusion of people with disability in this process as there is genuine concern within the community that any reforms may lead to a watering down of the standards.
- Serious safety issues relating to unrestrained motorised mobility devices on buses were noted in some submissions.
- The complaints process is a significant area of concern raised by the disability community, with submissions highlighting the daunting nature and often power imbalance that exists between an individual and organisations with significant resources to spend on legal advice and representation.

Review findings

FINDING 1: Public transport conveyances, infrastructure and premises are being upgraded, retrofitted or replaced, and providers and operators are moving towards meeting Transport Standards compliance requirements, although not at the same rate and within the prescribed timeframes.

FINDING 2: It is unlikely that services and infrastructure in most jurisdictions will be 100 per cent compliant with legislated requirements within the 2022 mandated timeframe.

FINDING 3: A national reporting on compliance framework is required to undertake a comprehensive and accurate national assessment of public transport accessibility.

FINDING 4: Regional/remote public transport services are not as accessible as services provided in metropolitan areas.

FINDING 5: People with disability see their involvement in public transport planning and procurement processes as critical to ensuring that accessibility considerations are a primary part of the process.

FINDING 6: Inadequate information provision is a major issue experienced by people with disability in endeavouring to use public transport.

FINDING 7: A lack of understanding by public transport staff will result in people with disability not using public transport.

FINDING 8: Rail platform access issues are preventing people with disability undertaking successful journeys by rail.

FINDING 9: The Transport Standards need to be modernised to meet the current and future needs of the community.

FINDING 10: The granting of repeated temporary exemptions has caused concern to people with disability.

FINDING 11: There is a need for operators and providers to be provided greater certainty when considering alternative or 'equivalent access' solutions.

FINDING 12: The principles of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) need to continue to be enshrined in governments at all levels.

FINDING 13: There is uncertainty in case law about whether contravention of a disability standard is unlawful.

FINDING 14: The case for rideshares' inclusion into the Transport Standards needs to be investigated and considered.

FINDING 15: Consideration needs to be given as to whether 'on-demand public transport services', 'Mobility as a Service (MaaS)' or other forms of new public transport that may arise need to be brought under the Transport Standards.

FINDING 16: Government considerations surrounding emerging autonomous vehicles need to incorporate accessibility considerations from the outset rather than as a retrospective reaction.

FINDING 17: The Transport Standards Guidelines should be updated to reflect whole-of-journey considerations as well as the modernised standards.

FINDING 18: Governments are undertaking significant expenditure in order to make their public transport systems increasingly accessible.

FINDING 19: Governments and industry are facing significant challenges in meeting the final December 2022 Transport Standards compliance milestone and making their public transport systems fully accessible.

FINDING 20: Governments, industry and the disability community are calling for changes to be made to the Transport Standards.

FINDING 21: There is a need to improve coordination and promotion of the Transport Standards at all levels of government.

FINDING 22: The restraining of motorised mobility devices on buses is a safety issue that needs to be addressed.

FINDING 23: The labelling of motorised mobility devices will assist users, retailers and the public transport industry in identifying which devices are suitable for use on public transport conveyances.

FINDING 24: The disability community see the complaints process as daunting and often involving a power imbalance between an individual and an organisation with significant resources to spend on legal advice and representation.

Summary of recommendations

This review identifies nine recommendations to move towards realising the goal of a fully accessible public transport service in Australia.

Recommendation 1—Reform and modernise the Transport Standards

That the Australian Government, jointly with state and territory governments, continue the process of reforming and modernising the Transport Standards, ensuring focus on key areas highlighted by the disability community and industry.

Recommendation 2—Increase the involvement of the disability community

That the Australian Government work with the disability community to establish a national disability advisory body to involve people living with disability in decisions on the reform, modernisation and implementation of the Transport Standards.

Recommendation 3—Foster an environment for innovation

That the Australian Government seek to create an environment that fosters and supports innovation in improving disability access on all modes of public transport with a particular focus on technological advancements and emerging forms of transport.

Recommendation 4—Improve coordination and promotion of the Transport Standards

That the Australian Government improve the coordination and promotion of the Transport Standards at all levels of government.

Recommendation 5—Invest in accessible public transport

That the Australian Government identify opportunities to invest in accessible public transport or leverage existing initiatives, particularly in key areas of underinvestment such as our regional cities and outer suburban areas.

Recommendation 6—Improve the quality of accessibility data to identify problems and craft policy/legislative interventions

That the Australian Government work collaboratively with the states and territories to design a data quality framework for the collection of data and information that provides a more comprehensive understanding of the progress against the 2022 national public transport accessibility targets.

Recommendation 7—Champion accessibility beyond minimum standards, particularly in staff training and universal design

That the Australian Government, in recognition of how crucial disability awareness training for public transport personnel is in ensuring successful travel by people with disability on public transport, commence work to identify and highlight examples of Australian industry best practice. The Australian Government should seek to identify opportunities for investment in public transport that meet universal design principles.

Recommendation 8—Address uncertainty around the lawfulness of contravening a disability standard

That the Australian Government seek legal advice as to the interpretation of the *Disability Discrimination Act 1992* (Cth) in relation to what substantiates that a breach of a disability standard is unlawful.

Recommendation 9—Increase support for individuals to make a complaint under the *Disability Discrimination Act 1992* (Cth)

That the Australian Government ensure that the Australian Human Rights Commission is tasked to provide greater support for representative complaints on behalf of people with disability, reducing the legal cost and burden on individuals.

Part A: Introduction and background

Chapter 1: introduction

Over four million Australians have a disability, according to the Australian Bureau of Statistics (ABS).¹ Disability is broadly defined in the *Disability Discrimination Act 1992* (Cth) (DDA) to include physical, intellectual, psychiatric, sensory, neurological and learning disabilities that people have now, had in the past, may have in the future or which they are believed to have.² Disability rates vary with age, with around one in nine people aged 0 to 64, and one in two people aged 65 and over, reporting a disability. Many people that identify as living with disability face significant barriers in work, education, sport, mobility and simply taking part in everyday activities.

There are, of course, a broad range of disabilities. Close to six per cent of Australians have a profound or severe disability, which means they sometimes or usually require assistance to undertake core tasks (mobility, self-care and communication).

1.1 The *Disability Discrimination Act 1992* (DDA)

The DDA makes direct and indirect discrimination on the basis of disability unlawful in key areas of public life, including employment, education, accommodation, access to premises and the provision of goods, service and facilities.

Section 31 of the DDA provides the basis for the Attorney-General to make disability standards in relation to unlawful discrimination, including the Disability Standards for Accessible Public Transport 2002 (Transport Standards). The purpose of the Transport Standards is to establish the minimum accessibility requirements to be met by providers and operators of public transport to remove discrimination from public transport services.³

1.2 Why this matters

The effectiveness and efficiency of the Transport Standards are vital for people with disability to engage and participate in the community.

There has been no significant improvement in the labour force participation rate by people with disability in over a decade. People with disability are considerably under-represented in the Australian labour market. Of the 2.1 million Australians aged 15–64 years who identify as having a disability, 53.4 per cent are actively seeking work or already in employment, a proportion that contrasts markedly with the 84.1 per cent of Australians without a disability participating in the labour market.⁴ Moreover, people with disability in the labour market are less likely than those without disability to be employed full-time, and typically face longer periods of both underemployment and unemployment.

¹ Australian Bureau of Statistics (2019). Catalogue 4430.0—Disability, Ageing and Carers, Australia: Summary of Findings, 2018. Available <https://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0>

² Australian Human Rights Commission (2012). D.D.A Guide: Who Does the D.D.A. Protect? Available <https://www.humanrights.gov.au/our-work/disability-rights/dda-guide-who-does-dda-protect>

³ Commonwealth Consolidated Acts. *Disability Discrimination Act 1992*. Section 31. Disability Standards. Available http://www5.austlii.edu.au/au/legis/cth/consol_act/dda1992264/s31.html

⁴ Australian Bureau of Statistics (2019). Disability, Ageing and Carers, Australia: First Results, 2018 (Cat. No. 4430.0.10.001). Available <https://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0.10.001>

As a result, many people with disability are denied the personal, social and financial benefits of work, with negative impacts on both the individual, and for the economy more broadly.

Transport is a key enabler for people with disability as it allows them to access work, community, education and healthcare services. People with disability are 10 times more likely than those without a disability to rate their health as poor, highlighting the need for increased access to healthcare services.⁵

An accessible public transport system is also important for planning for Australia's ageing population. The proportion of people aged over 65 is currently 15 per cent and is projected to grow, by 2066, to 21 per cent of a significantly larger overall population.⁶ People's travel patterns change at different stages of their life. For example, retirees who no longer travel to work may travel instead to more dispersed locations for leisure and access to services such as healthcare. Older people rely more on public transport when road safety requirements place limits on their driving and are more likely to travel in off-peak periods than younger commuters. Older people and people with disability are particularly vulnerable and are at greater risk of experiencing social isolation and loneliness.

1.3 Australian Government role

Australia's obligations in relation to the rights of people with disability are primarily enshrined in the United Nations Convention on the Rights of Persons with Disabilities (CRPD) which was ratified by the Australian Government in 2008.⁷ Australia has accessibility obligations under article 9 of the CRPD. This includes an obligation to 'take appropriate measures to ensure persons with disabilities access, on an equal basis with others...to transportation'. The economic, social and cultural rights in the CRPD are subject to the principle of progressive realisation. That is, such obligations may be fulfilled progressively overtime to the maximum of available resources.⁸ Additionally, Australia may implement its obligations under the CRPD using legislative, administrative or other measures.⁹ The Transport Standards are one of the ways that Australia fulfils its obligations under the CRPD.

The Australian Government has committed to invest \$110 billion nationwide over 10 years from 2021 in infrastructure and transport projects as part of a long-term commitment to build the transport infrastructure Australia needs to meet the challenges of a fast-growing population, while improving safety and productivity.¹⁰

While public transport is the responsibility of state and territory governments under Australia's federal system, the Australian Government invests to support the construction of significant public transport infrastructure projects. Ongoing and recent examples include funding contributions towards projects such as: Brisbane Metro, Gold Coast Light Rail, Sydney Metro (Greater West, City & Southwest and Western Sydney Airport), Melbourne Metro, Melbourne Airport Rail Link, Sunshine Coast Mass Transit Project and METRONET in Perth.

⁵ Australian Institute of Health and Welfare (2018). Australia's Health 2018. Australia's health series no. 16.

⁶ Australian Bureau of Statistics, Population Projects, Australia, 2017 (base)—2066 (Cat. No. 3222.0). Available <https://www.abs.gov.au/ausstats/abs@.nsf/mf/3222.0>

⁷ [2008] ATS 12, entered into force in Australia on 16 August 2018.

⁸ CRPD, article 4(2).

⁹ CRPD, article 4(1).

¹⁰ Department of Infrastructure, Transport, Regional Development and Communications, Building Our Future. May 2021

The Australian Government has also established the National Faster Rail Agency to oversee the development of faster rail business cases on strategic corridors connecting capital cities with major regional centres, ensuring that population and transport policy objectives are met.

Aviation

While responsibility for improving accessibility in relation to aviation is split between airline and airport operators working across jurisdictions, the Department of Infrastructure, Transport, Regional Development and Communications continues to engage with airports and airlines to improve these services where practical and safe. Although major federally leased airports operate under a Commonwealth legislative regime (the *Airports Act 1996*), other airports operate under state and local government planning regimes.

1.4 State and Territory Governments' role

Public transport is the responsibility of state and territory governments under Australia's federal system. All submissions provided to this review by state and territory governments acknowledge this responsibility and provide details on initiatives and actions they have undertaken to fulfil their role to provide accessible public transport.

1.5 The Transport Standards

The Transport Standards have been in operation for almost 20 years. During that time public transport operators and providers referred to the standards in order to seek clarity and certainty about their obligations under the DDA.¹¹

Section 1.23 of the Transport Standards prescribes that a public transport service is an enterprise that conveys members of the public by land, water and air and includes both publicly and privately owned services.

For all (new) public transport conveyances, infrastructure and premises brought into use for public transport service on and from 23 October 2002, operators and providers have to ensure that they are 100 per cent compliant with the standards. However, for all conveyances, infrastructure and premises that were already in use prior to 23 October 2002, the Transport Standards provide an increasing schedule for compliance (Schedule 1).

Table 1 Compliance schedule for the Transport Standards

Year (31 December)	Compliance percentage
2007	25 per cent
2012	55 per cent
2017	80 or 90 per cent
2022	90 or 100 per cent
2032	100 per cent

Source: Federal Register of Legislation. Disability Standards for Accessible Public Transport 2002. Available <https://www.legislation.gov.au/details/f2005b01059>.

¹¹ Federal Register of Legislation. Disability Standards for Accessible Public Transport 2002. Available <https://www.legislation.gov.au/details/f2005b01059>

1.6 The Third Review of the Transport Standards

Part 34 of the Transport Standards requires the Minister for Infrastructure, Transport and Regional Development, in consultation with the Attorney-General, to review the efficiency and effectiveness of the Transport Standards within five years of them taking effect, with subsequent reviews to be undertaken every five years. The first five-year review was commenced in 2007 with the final report and Australian Government response released in June 2011. The second five-year review was commenced in 2012 with the final report and Australian Government response released in July 2015.

The Department of Infrastructure, Transport, Regional Development and Communications commenced the third five-year review (this review) of the Transport Standards in 2017, which resulted in this report.

This review report:

- presents findings on the effectiveness and efficiency of the Transport Standards in removing discrimination against people with disability in their access to public transport services as at 31 December 2017¹²
- considers the views of people with disability and the organisations, transport operators and providers, local governments, state and territory governments, and Australian Government agencies on the efficiency and effectiveness of the Transport Standards, and on related issues
- identifies initiatives and actions taken by state and territory governments since the 2012 Review that are directed at removing discrimination against people with disability in their access to transport services
- assesses progress in implementing the Australian Government's response to the 2012 Review
- develops recommendations to further progress achieving the objectives of the Transport Standards.

This report presents the review findings and recommendations which were developed following consultations with stakeholders and the release of an issues paper.

The report has been prepared in conjunction with PricewaterhouseCoopers Consulting (Australia) Pty Ltd (PwC). PwC was engaged to provide drafting assistance and quality assurance.

1.7 Submissions

In undertaking this review, the Department of Infrastructure, Transport, Regional Development and Communications called upon all state and territory governments to provide details on whether the 2017 compliance milestones had been met. In response, formal written submissions were received from most governments, as well as from industry, disability organisations and the community. The submissions varied significantly in depth and design which make developing a quantitative nationwide view of compliance against the standards exceptionally difficult. Therefore, a predominantly qualitative approach was employed in drafting this review.

The submissions are listed in Appendix A and can be viewed in full on the Department of Infrastructure, Transport, Regional Development and Communications website.¹³

¹² Please note data presented in submissions may extend beyond 31 December 2017, with submissions collected up until June 2019.

¹³ Department of Infrastructure, Transport, Regional Development and Communications. The Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards). Available https://www.infrastructure.gov.au/transport/disabilities/third_review_tor.aspx.

1.8 The structure of this report

The report is structured as follows:

- Part A—Introduction and background:
 - Chapter 1: (this chapter) Introduction
 - Chapter 2: Terms of Reference
 - Chapter 3: Implementing the 2012 Review of the Transport Standards
- Part B—Current accessibility of public transport in Australia:
 - Chapter 4: Train and tram accessibility
 - Chapter 5: Bus and coach accessibility
 - Chapter 6: Taxi accessibility
 - Chapter 7: Ferry and jetty accessibility
 - Chapter 8: Aviation and airport accessibility
 - Chapter 9: Accessible provision of information
- Part C—The efficiency and effectiveness of the Transport Standards:
 - Chapter 10: Effectiveness of the Transport Standards
 - Chapter 11: Efficiency of the Transport Standards
- Part D—Recommendations:
 - Chapter 12: Recommendations
- Part E—Appendices
 - Appendix A: Submissions

Chapter 2: Terms of Reference

Background

The Transport Standards were made to enable public transport operators and providers to remove discrimination from public transport services. Part 34 of the Transport Standards requires the Minister for Infrastructure, Transport and Regional Development, in consultation with the Attorney-General, to review the efficiency and effectiveness of the Transport Standards every five years.

The 2012 Review was initiated in October 2012. The review report and the accompanying Government response were publicly released in July 2015. Implementation of the Government response to the 2012 Review is primarily focused on Recommendation 1—the modernisation of the Transport Standards. This work is ongoing and is envisaged to extend into 2021.

The third review provided an opportunity to assess compliance with the Transport Standards and, also an opportunity for stakeholders to comment on the efficiency of the Transport Standards and their effectiveness in removing discrimination from public transport services.

Under the Terms of Reference, released by the then Minister for Transport and Infrastructure, The Hon. Darren Chester, the third review was required to commence by December 2017. Stakeholders will be invited to provide written submissions in response to an Issues Paper. The final written report of the third review will be provided for consideration by the Minister for Infrastructure and Transport in consultation with the Attorney-General.

Scope

As required by Part 34 of the Transport Standards, the 2017 Review will review the efficiency and effectiveness of the Transport Standards and will:

- assess whether discrimination has been removed, as far as possible, according to the requirements for compliance set out in Schedule 1 of the Transport Standards, and
- advise on any necessary amendments to the Transport Standards.

The review will focus on:

- reporting public views on progress towards achievement of targets set out in the Transport Standards
- assessing compliance with the requirements set out in Schedule 1 of the Transport Standards, in particular those under Part 3 of Schedule 1,
- identifying initiatives and actions with respect to removing discrimination from public transport services undertaken by state and territory governments since the 2012 Review, and
- assessing the progress of the implementation of the response to the 2012 Review.

Chapter 3: Implementing the 2012 Review

The 2012 Review of the Disability Standards for Accessible Public Transport 2002 report and the Australian Government response were released on 10 July 2015. In compiling that report, the Department of Infrastructure, Transport, Regional Development and Communications received 95 initial written submissions and 58 in response to the draft review report. In addition, 14 public consultation sessions were held across Australia.

3.1 Implementation of the 2012 Review recommendations

A total of seven recommendations were made in the 2012 Review, each of which the Australian Government either noted, agreed or supported in principle.

Four out of the seven recommendations that were supported or supported in principle by the Australian Government have been or are being implemented:

- Recommendation 1 (the priority recommendation) focused on modernisation of the Transport Standards. The National Accessible Public Transport Advisory Committee commenced a process in 2015. While not completed prior to the commencement of the third review, the National Accessible Transport Taskforce commenced work on a new refreshed two stage process in 2019. The Stage 1 Consultation Regulation Impact Statement was released in February 2021 with work on Stage 2 commencing in 2021 and to continue throughout 2022.
- Recommendation 2, to establish a national framework for reporting on progress against the Transport Standards, is being considered as part of Stage 2 of the modernisation process being undertaken in 2021–22.
- Recommendation 4 called for the Australian Government, jointly with state, territory and local governments, to develop accessibility guidelines for a whole-of-journey approach to public transport planning by 30 June 2016. The Whole Journey guide was released on International Day of Persons with Disabilities in 2017 by the then Minister for Transport and Infrastructure, the Hon Darren Chester MP.

- Recommendation 7 called for the Department of Infrastructure and Regional Development, in close consultation with the Aviation Access Forum, to undertake a review of the Disability Access Facilitation Plan initiative by 30 June 2015, with the aim of improving the overall effectiveness and accessibility of the plans. The review of the Disability Access Facilitation Plan was completed in consultation between the Department and the Aviation Access Forum on 30 June 2015.

The remaining three recommendations were noted but not implemented:

- Recommendation 3 focused on the effectiveness of the complaints process. It was noted at this time that the Australian Human Rights Commission (AHRC) was considered to be an effective, low-cost dispute resolution mechanism, with the emphasis on conciliation to resolve complaints in the first instance.
- Recommendation 5 considered the implementation of a national motorised mobility device labelling scheme. The process was concluded in the first half of 2020 with Austroads deciding not to proceed with the labelling scheme due to possible and likely conflicts with other related reviews. Refer to Section 11.4 on page 134 for further discussion about the termination of the project.
- Recommendation 6 concerned the development of nationally consistent compliance milestones for wheelchair accessible taxis (WATs) by 31 December 2016. It was noted that there were inherent challenges and difficulties associated with achieving this recommendation given the nature of the industry and impact of regulation.

3.2 Findings of the 2012 Review

All state and territory governments reported progress towards implementing the Transport Standards and advised that the majority of the December 2012 compliance targets had been met. The Transport Standards continued to be effective in bringing forward investment in accessible infrastructure and conveyances, and in requiring governments, public transport operators and providers to plan and implement upgrades to the conveyances and associated infrastructure they are responsible for.

However, the 2012 Review also found that progress against the Transport Standards occurred at an uneven rate depending on the location, population and demand for accessible public transport. While acknowledging that progress has been made, most submissions from the disability community advised of continuing deficiencies in the physical accessibility of public transport conveyances and infrastructure, the quality of public transport information and engagement of public transport staff, and a lack of effective planning for whole-of-journey accessibility. There was also widespread criticism of the absence of a national system of reporting on compliance.

All these factors were seen to affect the ability and desire of people with disability to use public transport, causing them instead to rely on taxi services as their only means of interacting with their communities and engaging in the workforce.

The majority of submissions to the 2012 Review concentrated on accessibility issues in major urban areas. Little input was provided about accessibility issues experienced in regional and rural areas.

The 2012 Review also found that while the standards had overall been effective in removing discrimination, they were not optimal in their present form and likely required change to provide a more flexible response to cover the different modes of public transport and the different environments in which public transport networks operate.

3.3 Recommendations of the 2012 Review

Recommendation 1

That the Australian Government, jointly with state and territory governments, commence a process for updating and modernising the Transport Standards. This work should be undertaken in close consultation with industry, local government and the disability sector, and include research on the technical issues raised in this review, the development of options, and assessment of the impact of any proposed changes to the standards, with this work to be completed by 30 June 2017.

Australian Government response—Support

The Australian Government recognised that 10 years after inception, some parts of the Transport Standards may not be meeting the current and future needs of people with disability or provide sufficient flexibility or guidance to providers and operators in their efforts to fulfil their obligations under the DDA.

With the release of the review report and Australian Government response, the Department of Infrastructure, Transport, Regional Development and Communications, in close consultation with the National Accessible Public Transport Advisory Committee (NAPTAC), commenced a project to modernise the Transport Standards.

NAPTAC identified issues with the current standards after splitting into modal working groups. After identifying issues, NAPTAC convened a modernisation committee to undertake the modernisation work in two phases:

- Tranche 1—more simple issues
- Tranche 2—more complex, challenging work requiring time and resources.

This approach resulted in a process that focused on amendments to the existing prescriptive framework, rather than identifying and addressing problems with the overarching framework and then finding the best ways to address the issues identified.

With a process focused on technical aspects of the Transport Standards, participation required in-depth knowledge of both public transport systems and Australian standards. As a result, draft consultation material produced in 2018 proposed amendments to existing prescriptive standards and predominantly focused on costs to industry rather than the removal of discrimination against people with disability.

On 2 August 2019 the former Council of Australian Governments Transport and Infrastructure Council (now Infrastructure and Transport Ministers' Meeting), consisting of all state and territory government transport ministers and chaired by the Deputy Prime Minister, endorsed a proposal that the Queensland Government and the Commonwealth commence a new, refreshed process to reform the Transport Standards. Following endorsement, the National Accessible Transport Taskforce under the guidance of the National Accessible Transport Steering Committee commenced work on Stage 1 with Stage 2 commencing in 2021.

The new process is being guided by principles agreed by the former Transport and Infrastructure Council that place people with disability front and centre. The principles recognise that access to public transport is a right. They also recognise that access is about more than being compliant with standards but about providing an ongoing service for people with disability.

Recommendation 2

That the Australian Government, jointly with state and territory governments, establish a national framework for reporting on progress against the Transport Standards by 31 December 2016.

Australian Government response—Support in principle

This recommendation is being considered as part of Stage 2 of the reform and modernisation process being undertaken in 2021–22.

Recommendation 3

That the Australian Government consider the concerns raised about the complaints process.

Australian Government response—Noted

In noting this recommendation, the Australian Government recognised that an effective complaints process is the key to facilitating compliance with the Transport Standards. The government noted that the AHRC was the complaint-handling mechanism for complaints of discrimination under federal anti-discrimination law (including resolving issues relating to the Transport Standards) and considered the emphasis on conciliation to resolve complaints in the first instance, to be an effective, low-cost dispute resolution mechanism.

Recommendation 4

That the Australian Government, jointly with state, territory and local governments, develop accessibility guidelines for a whole-of-journey approach to public transport planning by 30 June 2016.

Australian Government response—Support in principle

The Australian Government recognised that whole-of-journey accessibility is crucial to ensuring that people with disability have increased confidence in using public transport. Accordingly, the government supported the development of accessibility guidelines for a whole-of-journey approach to public transport which would act as a planning tool to assist state and territory governments in their planning processes, to the extent it can be facilitated through the Transport Standards.

The Department of Infrastructure, Transport, Regional Development and Communications commenced work on a whole-of-journey guide in 2016 with consultations occurring in Melbourne, Sydney, Brisbane and Adelaide. Following the development of a draft guide and further extensive work and consultations in 2017, *The Whole Journey: A guide for thinking beyond compliance to create accessible public transport journeys* was released by the then Minister for Infrastructure and Transport on 1 December 2017.

Recommendation 5

That the Australian Government, in collaboration with state and territory governments, develop and implement a national motorised mobility device labelling scheme.

Australian Government response—Noted

The Australian Government noted that work relating to this recommendation had been ongoing since its inclusion as one of the recommendations in the government response to the first Transport Standards review report publicly released in 2011 and the commencement of the Austroads Motorised Mobility Device Project in 2012.

The second Transport Standards review received widespread support for the continuance of work surrounding this issue which had been ongoing since 2012. The Australian Government supported the continuance of these processes.

In 2018 Standards Australia in partnership with Austroads developed a Standards Australia Technical Specification for motorised mobility devices. Detailed discussion concerning this work and subsequent considerations concerning motorised mobility devices can be found in Section 11.4 (page 126) of this report.

Recommendation 6

That the Australian Government, jointly with industry, state and territory governments, develop consistent national compliance milestones and response times for wheelchair accessible taxis by 31 December 2016.

Australian Government response—Noted

In noting this recommendation, the Australian Government recognised the inherent challenges and difficulties associated with achieving national harmonisation in a service industry where local factors and business arrangements play a major role in determining outcomes. The government was also mindful that any additional regulation placed on the wheelchair accessible taxi (WAT) industry as a result of trying to achieve national harmonisation may add to regulatory and financial burdens already incurred by taxi networks and drivers in order to remain viable.

The Department of Infrastructure, Transport, Regional Development and Communications is also closely monitoring the effect of the introduction of rideshare services by state and territory governments on accessible taxi services. Consideration surrounding rideshare services are being considered as part of the Transport Standards reform process. Detailed discussion concerning rideshare can be found in Section 10.3 (page 107 of this report).

Recommendation 7

That the Department of Infrastructure, Transport, Regional Development and Communications, in close consultation with the Aviation Access Forum, undertake a review of the Disability Access Facilitation Plan initiative by 30 June 2015, with the aim of improving the overall effectiveness and accessibility of the plans.

Australian Government response—Support

The review of the Disability Access Facilitation Plan was completed in consultation between the Department of Infrastructure, Transport, Regional Development and Communications, and the Aviation Access Forum on 30 June 2015.

Part B: Current accessibility of public transport in Australia

Chapter 4: Train and tram accessibility

Summary of rail accessibility findings

Trains

- Government submissions advise that the accessibility of train travel has improved since the second review in 2012. Assisted boarding/direct assistance is undertaken by many operators and providers to ensure access to trains for people with disability.
- Community members and disability organisations have provided that, in broad terms, rail accessibility in metropolitan areas has improved although, these improvements have been incremental rather than a great leap forward.
- Based on the widely varying information received from governments, it would appear that on a national scale, rail services have generally not been able to meet the 90 per cent target by December 2017. Advice provided in the Australian Infrastructure Audit 2019 supports this view.
- Also based on the information received from governments, the rail industry will not meet the 100 per cent compliance targets for rail infrastructure and premises and 90 per cent compliance targets for conveyances (trains and trams) by December 2022.
- The ability of rail personnel to ensure successful use of passenger rail services is seen as critical to maintaining the confidence of people with disability to continue to undertake passenger trips by rail.

Light rail and trams

- Light rail is a relatively new form of public transport in New South Wales, Queensland, South Australia and the ACT, and as a result has the highest level of accessibility and compliance with the Transport Standards.
- The disability community in Victoria has expressed frustration with the lack of accessibility of trams in Melbourne, as highlighted within the Accessibility of Tram Services report released by the Victorian Auditor-General's office in October 2020.
- The Victorian Government has improved the accessibility of tram travel with 70 new low-floor trams being added 2012–17 bringing the total low floor tram fleet to 130. Also, an additional 60 tram stops upgraded to level access stops have been added to the network since 2012 bringing the total number of accessible tram stops to more than 400 across the network.

4.1 Introduction

Passenger train travel is available in all state and territories in Australia, except Tasmania, with:

- both metropolitan train services (in capital cities) and regional services available in five states
- only regional or interstate train services available in the Northern Territory and the Australian Capital Territory.

Light rail and tram services have historically been less common than train services, however in recent times a number of states have implemented light rail projects across Australia. New South Wales, Queensland, and the Australian Capital Territory have introduced new light rail services since the previous review. Melbourne's tram network remains the largest urban tramway network in the world. However, some infrastructure and assets date back to the late 1800s.

This chapter concerns details in submissions in relation to the accessibility of train, light rail and tram services, any other initiatives undertaken, disability community concerns and issues faced by providers and operators in endeavouring to provide accessible rail services.

4.2 Requirements under the Transport Standards

The Transport Standards contain specific requirements intended to enable train and tram operators and providers to remove discrimination from train and tram services and infrastructure by making these public transport services accessible for people with disability. These requirements apply to both the conveyance (that is, the train carriages or the tram itself) and the infrastructure that supports the transport service (including stations, information about services, and facilities such as toilets).

For both trains and trams, the Transport Standards require:

- boarding ramps or devices to assist people getting onto and off the train or tram (including the way in which people can notify the operator that a boarding device is needed)
- a particular size and number of allocated spaces in the train or tram for people with disability, signage for these spaces, and access path and manoeuvring areas that allow people to get to allocated spaces
- specific components of the train or tram to assist people with disability, including the type of floor surface, the placement of handrails and grabrails, the size of doorways, and the use of automatic or power-assisted doors
- the provision of information on the train or tram, including signage to indicate destination points, and the use of international symbols for accessibility and deafness, emergency warning systems and public address systems (where used)
- ticketing systems, including ticket validating machines, to be accessible
- accessibility of toilets and food and drink services on trains, where these are provided for all passengers.^{14 15}

The Transport Standards prescribed the following Schedule 1 Part 3 requirements for rail conveyances, infrastructure and premises by 31 December 2017:

- 3.1 Operator/provider compliance with the relevant standards by 90 per cent of each type of service in relation to resting points, boarding, allocated space and street furniture.
- 3.2 Operators/providers compliance with the relevant standards by 90 per cent of each type of service in relation to access paths, manoeuvring areas, passing areas, ramps, doorways and doors, lifts, stairs, toilets, tactile ground surface indicators and controls.

¹⁴ 14 Federal Register of Legislation. Disability Standards for Accessible Public Transport 2002. Available <https://www.legislation.gov.au/details/f2005b01059>

¹⁵ Review of Disability Standards for Accessible Public Transport—Final Report (2009). The Allen Consulting Group. Available. https://www.infrastructure.gov.au/transport/disabilities/review/files/ACG_DTR_Report.pdf

4.3 Disability community response to rail accessibility

In this section, disability community responses to rail accessibility are detailed. Submissions highlighted a number of key accessibility issues for train travel, train stations, and other rail accessibility initiatives.

4.3.1 Disability community response to accessibility of train travel

People with disability and disability community organisations have provided that in broad terms, rail accessibility in metropolitan areas has improved. However, these improvements have been incremental rather than significant change. This sentiment is captured in the Disability Resource Centre of Victoria's submission (15), which states:

Positive feedback was received regarding the upgraded train stations which allow independent boarding for wheelchair and scooter users on some trains. There was a desire to see these services expanded across the network in a timely manner to enable independent access for all train users. Similarly, the feedback for accessible trams that allow independent boarding was very positive when they were available, and the traveller was confident that their destination stop would be accessible.

However, submissions also highlighted that rail compliance targets have not been met within their localities. Two examples from McPherson and City of Sydney's submissions (provided in 2018) illustrate the incremental nature of accessibility improvements:

With four years remaining until December 31, 2022 over 25 per cent of rail stations are not independently accessible.

(Submission 4—McPherson)

At present in NSW, only 173 of the 307 stations (56 per cent) on the suburban and intercity networks are accessible.

(Submission 14—City of Sydney)

According to a number of disability organisations, people with disability continue to experience barriers with accessing or using trains and rail infrastructure. Submissions highlighted that the lack of accessibility of train travel is not purely a hard rail infrastructure issue, with a number of broader accessibility issues arising from:

- lack of (or inconsistencies with) direct assistance from staff at designated boarding points
- lack of lifts (or broken lifts), accessible toilets and ramps
- the availability of the carriage behind the driver as the only carriage for wheelchair boarding (Melbourne)
- poor signage
- incorrect placement of Tactile Ground Surface Indicators
- lack of clear audio announcements
- lack of (or misuse of) allocated spaces on trains.

4.3.2 Disability community response to accessibility of train stations

Issues surrounding access to rail platforms were raised in many submissions. Single elevators that suffer breakdown and steep ramps (or no ramps) were seen as major barriers. According to the Disability Resource Centre of Victoria's submission:

In the event that elevators break down, passengers with mobility impairments are left stranded on the platform or need to travel to a nearby station and find an alternative way to travel.

(Submission 15)

This was supported by the Queensland Disability Network's submission that states:

Members often report dissatisfaction with the inconveniences associated with regular mechanical failure and breakdowns of lifts at train stations.

(Submission 26)

The placement of platform guard workstations opposite assisted boarding points is seen as critical to ensuring that direct assistance can be provided when required. As the Queensland Disability Network stated, the accessibility of much of Queensland's rail network depends upon staff giving passengers with disability direct assistance to board and disembark (Submission 26).

People with Disability WA saw the lack of rail staff as leading to some members of the disability community not using public transport. Guards stationed at distances away from assisted boarding points result in little or no assistance provided. Reported variations in station platform heights resulting in boarding challenges were also seen to reinforce the call for direct assistance to be made available immediate to the boarding point (Submission 31).

In consideration of issues surrounding boarding points on platforms, Transport for NSW provided that the age of rail infrastructure in New South Wales and its configuration means that there will be continued reliance on 'direct assistance' via boarding ramps to move from rail platforms onto the train. Despite a clear preference among people with mobility devices for independent access from platform to train, Transport for NSW advised such access will not be possible whilst there is variability of the fleet used on any given line and while platforms are curved (Submission 7).

Further, the capacity to provide independent roll-on and roll-off access to trains is also impacted by freight trains operating in some parts of the rail network. Freight trains have a lower floor height and wider body which must be accommodated. If platforms are raised, freight access to the line would be significantly impeded.

4.3.3 Disability community response to accessibility of light rail and trams

Light rail is a relatively new system in New South Wales, Queensland and the ACT, and as a result has the highest level of accessibility and compliance with the Transport Standards. South Australia's light rail network is also fully compliant with the Transport Standards. As a result, the disability community response to the accessibility of light rail in these states was minimal.

Melbourne's tram network remains the largest urban tramway network in the world and requires a unique approach to delivering accessibility improvements, noting that some of the infrastructure and assets have existed since the late 1800s. The disability community in Victoria have expressed frustration with the lack of accessible trams in Melbourne. The review notes that Infrastructure Australia's Infrastructure Audit 2019 found that 4 in 5 tram stops in Melbourne are not accessible to customers with disability.¹⁶ In addition, a report on the Accessibility of Tram Services released by the Victorian Auditor-General's office concluded that tram services are not meeting the accessibility needs of passengers with mobility restrictions.¹⁷ Specifically, it was found that in 2018–19, only 15 per cent of tram services delivered a low-floor tram at a level-access stop.

¹⁶ Infrastructure Australia, The Australian Infrastructure Audit 2019 (p.21). Figure was taken from the Victorian Auditor General 2018, Annual Plan 2018–19, Victorian Government (p.42)

¹⁷ Victorian Auditor-General's office, Accessibility of Tram Services, October 2020

People with disability have stated that they are regularly unable to complete whole journeys across the tram network throughout Melbourne. For example, they may be able to board a tram at an accessible stop but are unable to disembark where needed as their required stop is inaccessible.

(Submission 34—Disabled People’s Organisations Australia)

The review heard that tram access was a concern to both residents and visitors to Melbourne. The most common issue raised was for people who could not board with motorised mobility devices.

It is very frustrating how many tram routes I cannot use. Even some that are serviced exclusively by low-floor ‘accessible’ trams, there are many areas that don’t have any ‘super stops’ that are necessary to make these vehicles accessible.

(Submission 15—Disability Resource Centre)

Another issue highlighted by blind and vision-impaired tram users in Melbourne concerned tram doors opening on the right side of trams rather than the left resulting in users having to navigate along the internal length of the tram in order to either seek the assistance of the driver or to disembark.

At a Melbourne forum convened to gather input for this review, participants spoke of the great potential for the whole community, including the elderly, travellers with children, luggage, prams or shopping buggy as well as people with a temporary condition, to access the city efficiently if trams and tram stops were made fully accessible. This was seen to be a benefit for the whole community, not just people with disability.

4.4 Industry response to meeting rail compliance targets

The passenger rail industry asserts that since the commencement of the Transport Standards in October 2002, strict compliance with all of the provisions of the Transport Standards has not been practically achievable. Industry sees the Transport Standards as failing to recognise the unique operating environment of passenger rail networks and that many standards are impractical for passenger rail infrastructure and rollingstock to comply with. In addition, the prescriptive nature of the standards stifles the ability of rail operators to introduce innovative or technological alternatives that could provide the desired, or at times better, accessibility outcomes for people with disability.

The Australasian Railway Association (ARA—Submission 12) and Transport for NSW (Submission 7) provided details on the issues that markedly impact the ability for passenger rail operators to comply. The review also notes the findings of the Monash Institute of Railway Technology, Monash University, review of the Transport Standards and Premises Standards finalised in June 2019. That report provides an in-depth desktop analysis of the issues faced by the rail industry in endeavouring to comply with the Transport Standards and Premises Standards.

Rail industry concerns can be divided into systemic issues and issues surrounding individual standards. Transport for NSW and the ARA (on behalf of its members) highlighted many significant issues that have seriously impacted, and will continue to impact, the ability of rail providers and operators to comply with Transport Standards requirements. These issues are discussed in detail in Chapter 11.2.

4.5 Accessibility of train travel

The third review received submissions that provided details concerning rail public transport services from the following state and territory governments, transport agencies and representative organisations:

- Transport for NSW
- The Victorian Government

- The Queensland Government Department of Transport and Main Roads (TMR Qld)
- The South Australian Government Department for Infrastructure and Transport
- The Public Transport Authority of Western Australia
- The Australasian Railway Association (ARA).

Table 2 Snapshot of data demonstrating the accessibility of train travel reported by state and territory governments (as at December 2017).

State	Snapshot of data demonstrating accessibility of train travel achieved since the Transport Standards commenced in 2002
NSW	<ul style="list-style-type: none"> • 54.7 per cent of the Sydney Trains fleet of 204 are fully accessible. • 100 per cent of trains used in NSW are accessible for persons using mobility devices with 'direct assistance'.
VIC	<ul style="list-style-type: none"> • installation of over 150 raised boarding platforms across the metropolitan rail network. • 100 per cent of trains operating on the VIC metropolitan rail network can be accessed by assisted boarding.
Qld	<ul style="list-style-type: none"> • No submission was provided by Queensland Rail.
SA	<ul style="list-style-type: none"> • 100 per cent accessible with assisted boarding available at all railway stations to the front carriage of conveyances via ramp deployment. • 100 per cent of current rollingstock feature allocated spaces on board.
WA	<ul style="list-style-type: none"> • No compliance data provided by PTA of WA.

Source: State government submissions to Third Transport Standards review. Available https://www.infrastructure.gov.au/transport/disabilities/third_review_public_submissions.aspx

4.5.1 New South Wales advice concerning accessibility of train travel

Metropolitan heavy rail

Compliance of train carriages in New South Wales has focused on accessibility for people who use wheelchairs or have limited mobility. All trains used in New South Wales are accessible for persons using mobility devices with 'direct assistance' using a platform to train boarding ramp.

As at January 2017, 54.7 per cent of the Sydney Trains fleet of 204 sets were fully accessible, offering: designated spaces for wheelchair users; priority seats for less mobile passengers; accessible emergency help and communication points; provision of travel information which can be seen as well as heard; and appropriate tonal contrasting of features such as handrails and doors.

Of the eight different electric train sets currently used in New South Wales, only the A Set (Waratah), M Set (Millennium) and H Set (OSCAR) meet the Transport Standards. The T Set (Tangara) trains are currently being upgraded. While the T Set cars will provide for a much improved level of service compared to the S, C, K or V sets, it is not technically possible to increase the allocated space beyond one accessible space per train car.

New South Wales' capacity to provide accessible services is limited by the age of many of the trains. C, K, V and S Sets are non-compliant with the Transport Standards. There are no current plans to upgrade these sets and over time they will be replaced by new compliant rollingstock. As some of the older fleet is

expected to be phased out and completely replaced over the next 10 years, it is not practical to bring these trains into compliance. New trains are being purchased and some of the existing rollingstock will be refurbished to extend their usable life and meet customer requirements.

4.5.2 Victoria advice concerning accessibility of train travel

Metropolitan heavy rail

Railway tracks, infrastructure and rollingstock across Melbourne are owned by VicTrack on behalf of the State Government. VicTrack leases these assets to Public Transport Victoria (PTV) which then sub-leases them to Metro Trains Melbourne (Metro), the state's metropolitan rail operator.

Key Metro initiatives to remove discrimination against people with disability include:

- establishing a dedicated accessibility team to engage with and improve the passenger experience for people with disability and implement Metro's Accessibility Action Plan
- deploying new technologies to create more opportunity for direct assistance at locations with steep ramps, including through trialling wheelchair mechanical pushers, devices that enable staff to assist passengers using manual wheelchairs go up and down steep gradients, at no safety risk (to staff or passengers)
- rolling out seven of these trialled devices across the Metro network
- establishing a dedicated Accessibility Reference Group which provides strategic advice and direction to the organisation to address emerging access issues and acts as a key point of contact when inviting passengers with disability to engage in consultation for potential modifications to the network
- establishing a dedicated team, the Community Education Unity, to engage with community groups and increase their knowledge and confidence around services and routinely provide travel training on the network in partnership with disability service providers.

All operators are required to submit to Public Transport Victoria annual reports tracking their progress towards their accessibility targets and success measures and to bring forward proposals to improve the provision of accessible services and their strategies for compliance.

Boarding improvement

The ability to board trains has improved with the installation of over 150 raised boarding platforms across the metropolitan rail network, allowing unassisted boarding for some passengers. All trains operating on the metropolitan rail network can be accessed by assisted boarding. Assisted boarding involves a driver or customer service staff member deploying a ramp for passengers using mobility aids. Changes in operational policy have also allowed for alternative door boarding through offering an additional accessible door. The Victorian Government notes that unassisted boarding is a preferable outcome for all passengers but that it will take some additional time to achieve that outcome.

The recent on-board reconfiguration of the X'Trapolis and Siemens train fleet, through the inclusion of additional allocated spaces, handrails and call buttons, has provided a further step towards Transport Standards compliance.

Regional heavy rail

The regional rail network has also undergone improvements to increase access for people with disability. As required under the Transport Standards, the State's VLine VLocity and Buffet Cars have had handrails installed, benefitting the stability of all people walking through the carriages. The handrail solution installed was developed following customer feedback and testing for different handrail options. Improvements were made to emergency call buttons locations and additional buttons were installed across the fleet to also meet Transport Standards requirements.

Trials of modifications also began on the fleet of 75 VLocity trains to provide wider toilet doors for wheelchair access, hearing loop technology, automatic announcements, new floor markings and handrails. The reconfiguration has allowed for the provisions of two allocated spaces to these conveyances.

V/Line has introduced several initiatives to remove discrimination against people with disability and increase the compliance of their operations with the Transport Standards. V/Line has developed Boarding Assistance Zones on station platforms to provide a key location for customers to seek assistance and support to safely board trains. Conductors on V/Line services can facilitate equivalent access through direct assistance to customers when compliance requirements cannot be met.

V/Line provision customer information has also improved. V/Line's website achieved 81 per cent compliance with Web Content Accessibility Guidelines 2.1 and works are planned to achieve full compliance. In addition, bookings for passengers with accessibility requirements can now be made online and the Journey Planner on the website is being reviewed to enable full accessibility.

In 2016, V/Line became the first public transport operator to become accredited with the Communication Access Symbol (CAS). In collaboration with disability service provider Scope, V/Line delivered a range of training and tools to front line staff to increase awareness and skills in meeting the communication needs of customers. This has included disability awareness training and a variety of tailored communication tool kits for both station staff and conductors. V/Line undergoes annual assessment to ensure staff knowledge retention and continual improvement.

V/Line also committed to ongoing customer engagement opportunities through community forums, a customer Accessibility Reference Group, a quarterly customer Accessibility Newsletter. V/Line hosts regional Try Before You Ride sessions that enable customers (both with or without accessibility constraints) to trial getting on and off regional trains and coaches.

In 2018 V/Line rolled out online disability awareness training to all staff to increase understanding and knowledge of the experience of customers with disability. Also, as an important step towards better integration across services, V/Line services are included in PTV's Journey Planner (available on the internet or via a smart phone app).

4.5.3 Queensland advice concerning accessibility of train travel

TMR Qld advised that as Queensland Rail is a statutory authority and operates in accordance with the Queensland Rail Transit Authority Act 2013, it is responsible for the operation of passenger rail services and ensuring that supporting rail infrastructure remains safe, reliable and at a fit-for-purpose standard. The submission further advised that it expected that Queensland Rail would submit its own submission to the review.

The review advises that it did not receive a submission from Queensland Rail.

4.5.4 South Australia advice concerning accessibility of train travel

The South Australian train fleet is fully accessible with assisted boarding available at all railway stations to the front carriage of conveyances via ramp deployment. All current rollingstock feature allocated spaces on board. No specific compliance figures were provided.

4.5.5 Western Australia advice concerning accessibility of train travel

In relation to rail services, the Public Transport Authority of Western Australia specified that in Western Australia, seats on Transwa regional trains are permanently removed to allow for boarding on demand.

4.6 Accessibility of train stations

The third review received submissions that provided details concerning accessibility of train stations from the following state and territory governments, transport agencies and representative organisations:

- Transport for NSW
- the Victorian Government
- TMR Qld
- SA Department for Infrastructure and Transport
- The Public Transport Authority.

Table 3 Snapshot of data demonstrating the accessibility of train stations reported by state and territory governments (as at December 2017).

State	Snapshot of data demonstrating accessibility of train stations achieved since the Transport Standards commenced in 2002
NSW	90 per cent of all rail journeys in Sydney were accessible. 56.5 per cent of all NSW stations are wheelchair accessible (209 stations out of a total of 370).
VIC	An additional 40 metropolitan stations have ramps to enter the station and platforms and lift availability.
Qld	The review advises that it did not receive a submission from Queensland Rail.
SA	53.4 per cent of railway stations are compliant (47 of the 88).
WA	No compliance figures provided.

Source: State government submissions to Third Transport Standards review. Available www.infrastructure.gov.au/transport/disabilities/third_review_public_submissions.aspx

4.6.1 New South Wales

Metropolitan Stations

90 per cent of all rail journeys in Sydney were accessible and 209 stations on the Sydney Trains and NSW TrainLink network are wheelchair accessible out of a total of 370.

In comparisons to other international networks (details provided below), the metropolitan network compares well in accessibility for people with disability.

- London Underground—50 accessible stations out of 270
- Paris Metro—9 accessible stations out of 309
- New York City's Metro—117 accessible stations out of 472
- Montreal Metro—13 accessible stations out of 68
- Mumbai Suburban Railway—16 accessible stations out of 122.

4.6.2 Victoria

Metropolitan Stations

All metropolitan train stations except one provide accessible step free entrances. Some metropolitan stations have ramps to enter the station and platforms and lift availability has improved at 40 stations. Despite these improvements, the Victorian Government acknowledges that some stations may still require people with a mobility device to be provided assisted access and that the government would continue to collaborate with providers and operators to develop solutions to facilitate and improve access in these particular situations.

Some stations have benefitted from works to upgrade accessible parking, increased presence of Tactile Ground Surface Indicators and where possible, improved ramps, toilets, shelters, waiting rooms, lift installation and handrails. More recently the Level Crossings Removal Program has resulted in upgrades to station access as part of broader station rebuilds.

Regional Rail Stations

As required under the Transport Standards, the State's VLine VLocity and Buffet Cars have had handrails installed, benefitting the stability of all people walking through the carriages. The handrail solution installed was developed following customer feedback and testing for different handrail options. Improvements were made to emergency call buttons locations and additional buttons were also installed across the fleet to meet Transport Standards requirements.

Trials of modifications also began on the fleet of 75 VLocity trains to provide wider toilet doors for wheelchair access, hearing loop technology, automatic announcements, new floor markings and handrails. The reconfiguration has allowed for the provisions of two allocated spaces to these conveyances.

Accessibility improvements have been undertaken across existing regional stations, with works including the installation of Tactile Ground Surface Indicators, compliant signage, new shelters and seating, new compliant lighting and pedestrian access ramps. All V/Line stations are also accessible via a step free entrance.

New accessible stations have also been built including at Caroline Springs, Wyndham Vale and Tarneit. In addition, Regional Rail Revival works are delivering upgrades along all V/Lines corridors, which include station amenity and access upgrades, and track and signalling works.

V/Line has also continued works to improve the accessibility of information available to passengers, both on its website, and in printed form. Recent improvements have included:

- better timetable information
- more accessible network maps (including four stations with accessible maps and developments in place to include all stations)
- increased font sizes on communications (including provision of large-print versions of published information to people with specific requirements on request)
- simplicity of language and explanations of printed diagrams
- proper colour matching (no clashing colours on material).

4.6.3 Queensland

The review did not receive a submission from Queensland Rail.

4.6.4 South Australia

The review has advised that 47 of the 88 railway stations are compliant and the South Australian Government will continue to upgrade railway stations on an 'as needs' basis as well as through targeted funding. Recently, infrastructure upgrades in the inner western suburbs has seen the rebuild of several stations and grade separation or activation of a number of railway crossings. Work continues across the network in other areas such as electrification of lines and redevelopment and upgrade of other metropolitan stations.

Work is also continually being undertaken to upgrade stations or to install raised boarding platforms that align with the front carriage door to reduce the gradient of the ramp and vertical gap, and in many situations, allow independent boarding for people who use mobility devices. This work is difficult to achieve in some locations involving legacy stations situated on curves along the track.

4.6.5 Western Australia

In relation to accessible stations and stops, during 2017–18, 751,657 passengers got on and off Transwa's regional train and coach services, and the network includes 248 train stations and coach stops. The numbers provided below gives an indication of the uneven utilisation of train stations and coach stops.

- 80 per cent of passengers got on and off at 5 per cent of stations/stops on the network located in the major regional centres
- 90 per cent of passengers got on and off at 10 per cent of stations/stops on the network
- 2.5 per cent of passengers got on and off at 72 per cent of stations/stops on the network which had less than five passengers per week
- 0.4 per cent of passenger got on and off at 45 per cent of stations/stops which had less than one passenger per week.

Many of the low patronage stops are used by students returning from boarding school for holidays and are retained on the timetables to improve the quality of service offered to regional Western Australia. Transwa would be prepared to consider upgrading these station/stops for disability access if requested.

4.7 Other accessible rail initiatives

The third review received submissions that provided details concerning other specific accessibility initiatives for rail services from the following state and territory governments, transport agencies and representative organisations:

- Transport for NSW
- the Victorian Government
- TMR Qld
- SA Department for Infrastructure and Transport
- the Public Transport Authority of Western Australia
- the ARA.

4.7.1 New South Wales

Accessibility across station infrastructure continues to improve through initiatives like the Transport Access Program. Upgrades include new lifts, escalators and ramps to stations to make it easier for people with limited mobility and parents with prams.

Sydney Metro is Australia's largest public transport infrastructure project. In 2024, Sydney will have 31 metropolitan railway stations and a 66km standalone metropolitan railway system, revolutionising the way Australia's biggest city travels.

Sydney Metro will provide fully accessible stations with platforms level with train floors to provide minimal gaps between platforms and trains for step free access. In developing station designs, Sydney Metro has undertaken significant stakeholder engagement, including people with disability, to ensure designs not only meet compliance but have the highest degree of functionality for all customers.

New trains are being purchased and some of the existing rollingstock will be refurbished to extend their usable life and meet customer requirements.

All new trains will offer the highest level of accessibility noting that some features are prohibitive in fully complying as a result of the physical constraints in a rail environment such as stair geometry. Design development also includes extensive user testing and customer engagement, including people with disability.

4.7.2 Victoria

Metropolitan

Key Metro initiatives to remove discrimination against people with disability include:

- establishing a dedicated accessibility team to engage with and improve the passenger experience for people with disability and implement Metro's Accessibility Action Plan.
- deploying new technologies to create more opportunity for direct assistance at locations with steep ramps, including through trialling wheelchair mechanical pushers, devices that enable staff to assist passengers using manual wheelchairs go up and down steep gradients, at no safety risk (to staff or passengers). Seven of these devices are being rolled out on the Metro network.
- establishing a dedicated Accessibility Reference Group which provides strategic advice and direction to the organisation to address emerging access issues. The group also acts as a key point of contact when inviting passengers with disability to engage in consultation for potential modifications to the network.
- establishing a dedicated team to engage with community groups and increase their knowledge and confidence around our services. The Community Education Unit routinely provides travel training on the network in partnership with disability service providers.

Regional

V/Line has introduced several initiatives to remove discrimination against people with disability and increase the compliance of their operations with the Transport Standards. V/Line has developed Boarding Assistance Zones on station platforms to provide a key location for customers to seek assistance and support to safely board trains.

V/Line provision of customer information has also improved. V/Line's website reached 81 per cent compliance with Web Content Accessibility Guidelines 2.1, with works planned to achieve full compliance. In addition, bookings for passengers with accessibility requirements can now be made online and the Journey Planner on the website is being reviewed to enable full accessibility.

In 2016, V/Line became the first public transport operator to achieve CAS accreditation. In collaboration with disability service provider Scope, V/Line delivered a range of training and tools to front line staff to

increase awareness and skills in meeting the communication needs of our customers. This has included disability awareness training and a variety of tailored communication tool kits for both station staff and conductors. V/Line undergoes annual assessment to ensure staff knowledge retention and continual improvement.

V/Line also committed to ongoing customer engagement opportunities through community forums, a customer Accessibility Reference Group, a quarterly customer Accessibility Newsletter. V/Line hosts regional Try Before You Ride sessions that enable customers to trial getting on and off regional trains and coaches.

In 2018 V/Line rolled out online disability awareness training to all staff and developed virtual tours (which will soon be made available online for customers).

4.7.3 Queensland

The Queensland Government has committed significant funding over 32 years to fund the Next Generation Rollingstock project which includes the design, construction and maintenance of 75 new passenger trains for south east Queensland. The Next Generation Rollingstock project is being delivered under a Public Private Partnership, which was awarded to the Bombardier led consortium Qtectic in 2013. The first Next Generation Rollingstock passenger services began running in December 2017 on the Gold Coast and Airport lines, with services being progressively rolled out across the entire south east Queensland passenger rail network.

While a number of issues have been identified with the accessibility of the Next Generation Rollingstock fleet, the Queensland Government has committed funding to rectify the Next Generation Rollingstock trains to address compliance issues and provide improved functionality for all customers.

TMR Qld is partnering with the disability community on the design of accessibility upgrades which will provide improved functionality and compliance with disability standards as outlined and committed to in their Accessibility and Inclusion Strategy.

4.7.4 Western Australia

No details provided.

4.7.5 Australasian Railway Association

Rail industry members have implemented a wide variety of programs to actively engage people with disability regarding their needs to assist them to travel by rail.

At a high level, initiatives undertaken to remove discrimination involved:

- Education and communication
- Engagement and practical trial initiatives
- Consultation
- Infrastructure
- Technology
- Specialist accessibility advisors
- Signage
- Partnerships
- Travel assistance
- Staff education
- Industry collaboration

- Operator specific customer accessibility reference groups
- Accessibility specific communication
- Passenger announcements
- Operator accessibility plans
- Improved disruption management.

4.8 Accessibility of light rail and trams

The third review received submissions that provided details concerning light rail and tram services from the following state and territory governments, transport agencies and representative organisations:

- Transport for NSW
- The Victorian Government
- TMR Qld
- SA Department for Infrastructure and Transport.

Table 4 Snapshot of data demonstrating the accessibility of light rail and trams reported by state and territory governments (as at December 2017).

State	Snapshot of data demonstrating accessibility of light rail and tram travel achieved since the Transport Standards commenced in 2002
NSW	New light rail lines planned for Sydney, Parramatta and Newcastle with the highest level of accessibility and level of compliance with the Transport Standards.
VIC	70 new low-floor trams were added to the network since 2012. Total number of low-floor trams on Melbourne's tram network at the end of the reporting period to 13. 60 tram stops upgraded to level access stops. Total number of accessible stops to more than 400 across the tram network.
Qld	All 18 trams are 100 per cent compliant with the Transport Standards.
SA	Entire tram fleet is fully accessible. 1 tram stop across the expanded network is not accessible. However, this report notes the stop has since been completed and is now accessible.

Source: State government submissions to Third Transport Standards review. Available www.infrastructure.gov.au/transport/disabilities/third_review_public_submissions.aspx

4.8.1 New South Wales

The light rail system is currently expanding with new light rail lines planned for Sydney, Parramatta and Newcastle. The provision of light rail increases choice of travel options for people with disability who will be able to use the light rail network to connect to other accessible modes in key city and suburban locations. As light rail is a relatively new system in New South Wales, it has the highest level of accessibility and level of compliance with the Transport Standards.

4.8.2 Victoria

Trams continue to operate as a major form of public transport for Melbourne, servicing 250 kilometres of track across 24 routes and over 1,700 tram stops. Melbourne's tram network remains the largest urban tramway network in the world. The tram network requires a unique approach to delivering accessibility improvements, noting that some of the infrastructure and assets have existed since the late 1800s.

Trams

The State Government has continued to work towards making accessibility improvements across the entire network and its assets. One priority has involved increasing the number of and enhancing the design of low-floor trams. From 2012, 70 new low-floor trams were added to the network. This brought the total number of low-floor trams on Melbourne's tram network at the end of the reporting period to 130. Further accessibility features were integrated into low-floor tram design, including colour-contrasting grab handles, step edging and improved customer service information via automated announcements and electronic displays.

The compliance of low-floor trams with the Transport Standards was also improved through the installation of allocated spaces for customers using mobility aids. Depending on the design of the low-floor tram, some trams now have buttons that alert the driver to activate the 'bridging plate' to bridge the gap between the tram and the platform. On other low-floor trams, a specially marked call button overrides the automatic door closing mechanism to allow customers using mobility aids extra time to enter or exit the tram. These trams also have an external door release to help customers using wheelchairs.

Tram stops

To complement low-floor trams, infrastructure improvements have also been made, with 60 tram stops upgraded to level access stops. This has brought the total number of accessible stops to more than 400 across the tram network.

Accessible stops have ramps that provide improved access for customers, including people in wheelchairs, parents with prams and the elderly. Accessible stops also feature improved lighting, granite and stainless-steel finishes, raised platforms with ramp access, real-time tram arrival information and glass shelters. Many of the newest accessible stops feature pedestrian crossings with flashing amber lights and tactile paving to assist customers to safely cross the road. Selected stops in the central business district also have audio buttons which provide real-time arrival information.

Key Yarra Trams (Melbourne) initiatives to remove discrimination against people with disability include:

- Increased focus on accessibility awareness: All staff participate in induction training and drivers undergo refresher training every 6 months, both of which include an accessibility component
- Disruptions management: Tram replacement bus services are run by low-floor buses where possible. For major occupations as well as low-floor buses, an accessible minivan service is available from 7.00am to 7.00pm. Outside of minivan operation times, accessible taxis are available on demand at Yarra Trams cost
- The number and location of next stop request buttons on board trams has been reviewed and funding has been allocated to fit more of these on C and D Class trams
- Vehicle Passenger Information Systems (VPIS) have been fitted to 74 per cent of the tram fleet, providing next stop audio and visual information
- Yarra Trams has a diversions book for the Operations Centre to improve passenger focus when planning for/managing disruptions
- Yarra Trams is going through the process to gain the CAS accreditation and is maintaining increased consultation with advocacy groups and people with disability.

4.8.3 Queensland

Trams were included in the 2017 compliance audit for the first time. The sole operator commenced services in July 2014 and all 18 trams are 100 per cent compliant with the Transport Standards.

Table 5 Qld Summary of 2017 Compliance Audit Results for Trams

Transport standard	2017 target (per cent)	18 trams (per cent)
Part 2—Access Paths	90	100
Part 3—Manoeuvring Areas	90	100
Part 4—Passing Areas		100
Part 6—Ramps		100
Part 8—Boarding		100
Part 9—Allocated Space		100
Part 10—Surfaces	100	100
Part 11—Handrails and Grabrails	100	100
Part 12—Doorways and Doors	90	100
Part 14—Stairs	90	100
Part 16—Symbols	100	100
Part 17—Signs	100	100
Part 20—Lighting	100	100
Part 21—Controls		100
Part 25—Payment of Fares	100	100
Part 27—Information	100	100
Part 31—Priority	100	100

Source: Queensland Government Department of Transport and Main Roads (2018), Third Review of the Disability Standards for Accessible Public Transport 2002 Submission

As part of the 2014 Gold Coast Inclusive Community Champions Awards, TMR Qld in conjunction with the City of Gold Coast and GoldLinQ, won the category of Best Government Business Partnership for delivering the light rail system. The awards are provided by Spinal Life Australia in recognition and acknowledgment of the innovative venues, services and people who contribute to creating a more inclusive and accessible community.

4.8.4 South Australia

Trams

The South Australian tram fleet is fully accessible. Each conveyance has ramps available for deployment for assisted boarding where required and include allocated spaces within each conveyance.

Tram stops

With a currently fully accessible fleet, only one tram stop across the expanded network, the City South tram stop, is not accessible. However, the City South tram stop is in the first stages of the development process to undergo an upgrade. This report notes that the proposed works were completed mid-2019.

Overall achievement of rail accessibility to date

Information provided to the review concerning rail services varies significantly. Some submissions state that compliance targets have been met or are on the way to being met, while others only provide qualitative advice in relation to accessibility initiatives undertaken. In consideration of the issues experienced by governments and the rail industry to achieve compliance, the review contends that, on a national scale, rail services have generally not been able to meet the December 2017 90 per cent target.

The review also assumes that the rail industry will not meet the 100 per cent compliance targets for rail infrastructure and premises and 90 per cent compliance targets for conveyances (trains and trams) by December 2022.

Disability community submissions inform that successful use of passenger rail services greatly depends on the provision of clear access onto the platform via lifts and ramps. Assisted boarding into and out of trains and the provision of clear accessways on the train were also highlighted by disability community as an area of concern.

The ability and desire of rail personnel to ensure successful use of passenger rail services is seen as critical to maintaining the confidence of people with disability to continue to undertake passenger trips by rail. This is particularly important on older networks, where there will likely be continued reliance on 'direct assistance' via boarding ramps to move from rail platforms onto the train unless solutions can be found.

The findings of the 2018 Queensland Government inquiry into accessibility issues surrounding the New Generation Rail trains uphold that access to on-board amenities is fundamental to ensuring the accessibility of rail services. As the Queensland Government inquiry stated, members of the disability community should have full confidence that all new passenger rail conveyances, infrastructure and premises are fully compliant from the outset as required under the Transport Standards.

Chapter 5: Bus and coach accessibility

Summary of bus accessibility findings

- Governments have indicated that bus services have met the 2017 compliance targets and are well underway in meeting the final December 2022 target of 100 per cent. Disability community submissions have highlighted that improvements have occurred.
- However, notwithstanding these encouraging findings, there are still a number of ongoing issues, especially those involving safety, that need to be addressed to ensure that people using mobility devices can enjoy safe travel by bus.

Summary of coach accessibility findings

- There were limited submissions provided on the accessibility of coaches, with Queensland Government reporting that there has only been a slight improvement in compliance with the Transport Standards.
- The Public Transport Authority of Western Australia and the Bus Industry Confederations' submissions focused on the challenges and financial burden to meet the standards for coach accessibility due to the nature of booked and chartered coaches which run at ad-hoc times and to different locations.

5.1 Introduction

Both metropolitan and regional bus travel are available in all states and territories in Australia. Darwin and Hobart are the two capital cities that rely entirely on buses for public transport as they do not have a rail or light rail network. Buses in all states and territories are operated by a mix of public and private providers. Route bus services are included under the Transport Standards while dedicated school bus services are excluded. Coach services are typically operated by private operators and are available on specific routes.

This chapter concerns the details in the submissions in relation to bus services, any other initiatives undertaken, disability community concerns and issues faced by providers and operators in endeavouring to provide accessible bus services.

5.2 Requirements under the Transport Standards

The Transport Standards include specific requirements intended to enable bus and coach operators and providers to remove discrimination from services and infrastructure by making these public transport services accessible for people with disability. These requirements apply to both the bus or the coach and the infrastructure that supports the service (including bus stops, interchanges, information about services and information about location while on-board).

For bus and coach infrastructure, the Transport Standards require:

- adequate access paths, boarding ramps and other devices
- signage and information
- Tactile Ground Surface Indicators (TGSIs) and priority seating.

For buses and coaches, the Transport Standards require:

- accessible boarding ramps and other devices
- a particular size and number of allocated spaces in the bus for people with disability, signage for these spaces, and access paths and manoeuvring areas that allow people to get to the allocated spaces
- the provision of information, including signage and public address systems, the use of international symbols for accessibility and deafness and accessible ticketing systems, and booking services and priority seating.^{18 19}

The Transport Standards prescribed the following Schedule 1 Part 3 requirements for bus conveyances, infrastructure and premises by 31 December 2017:

- 3.3 Operators/providers compliance with the relevant standards by 80 per cent of each type of service in relation to access paths, manoeuvring areas, passing areas, resting points, ramps, boarding, allocated space, doorways and doors, lifts, stairs, toilets, tactile ground surface indicators, controls and street furniture.
- 3.4 Operators/providers compliance with the relevant standards by 90 per cent of bus stops in relation to: access paths, manoeuvring areas, passing areas, ramps, waiting areas, boarding, allocated space, surfaces, handrails and grabrails, stairs, symbols, signs, tactile ground surface indicators, lighting, street furniture and information.

¹⁸ Federal Register of Legislation. Disability Standards for Accessible Public Transport 2002. Available www.legislation.gov.au/details/f2005b01059

¹⁹ Review of Disability Standards for Accessible Public Transport—Final Report (2009). The Allen Consulting Group. Available. https://www.infrastructure.gov.au/transport/disabilities/review/files/ACG_DTR_Report.pdf

5.3 Disability community response to bus accessibility

In this section, disability community responses to bus and coach accessibility are detailed. Submissions raised a number of key accessibility issues for bus travel, bus stops and coach travel. A consistent theme is that there has been improvement in bus accessibility, but there are still a range of specific concerns with on-board announcement, mobility device restraining equipment, hailing of buses, boarding ramps, bus interchange and bus stop accessibility.

5.3.1 Disability community response to accessibility of bus travel

Disability community submissions generally indicated that the accessibility of bus services had improved.

I only use buses and overall I think accessibility and the drivers' willingness to be of assistance is pretty good—Mark, QDN member.

(Submission 26—Queensland Disability Network)

Surveys conducted by People with Disability WA indicated that there had been improvement across a number of aspects since the previous 2014 survey was undertaken (Submission 31).

These responses appear to reinforce information provided by governments and the bus industry that compliance targets had been met or were well underway to being met and bus services are becoming more accessible.

While providing details on improvements, submissions also highlighted ongoing concerns surrounding the use of buses to undertake accessible journeys.

Many barriers prevent people with disability from using bus services. Concerns around inaccessibility stem from the lack of and intermittent availability of low door buses, inability of people with disability to travel on buses using their mobility devices, location and general accessibility of bus stops and interchanges and problems with accessing and understanding timetabling information or changes.

(Submission 34—Disabled People's Organisations Australia)

The main issues identified with the accessibility of buses were:

- on-board next stop announcements
- the need for restraining of motorised mobility devices on buses
- issues surrounding the hailing of approaching buses
- boarding ramps.

On-board next stop announcements

Section 27.1 and 27.4 of the Transport Standards prescribe that the following requirements were to have been fully compliant on buses by 31 December 2007:

27.1 Access to information about transport services

General information about transport services must be accessible to all passengers.

27.4 Access to information about location

All passengers must be given the same level of access to information on their whereabouts during a public transport journey.

However, the review was informed that in some locations, a lack of audible next stop announcements on buses were still apparent, and of great concern to those who are vision-impaired. This was compounded by the fact that, in some cases, a lack of announcements occurred on buses, which having been built after the Transport Standards commenced in 2002, should have been 100 per cent compliant.

Further, it appears that many operators are falling back on people with disability having to use smartphone apps that use the bus's GPS system for destination or next stop announcements, rather than modifying their buses (if built prior to 2002) to ensure audible announcements are made onboard at the appropriate time.

In consideration of this issue, the review was reminded of the Federal Circuit Court decision in *Innes v Rail Corporation NSW* [2013] FMC 36 concerning the lack of consistent audible announcements on Sydney trains. In the decision, Magistrate Raphael held that the requirement to provide information to people in an effective way was obvious:

It would appear startlingly obvious to the lay observer that passengers travelling upon trains need to know where to get off. It would be equally obvious that this information should be provided in a way that was effective for all passengers.

(Submission 33—Public Interest Advocacy Centre)

The review contends that the combination of visual next stop announcements coupled with an audible announcement, of which many bus services already use, provides for the information needs of people with disability while on-board buses and fulfils the requirements of Section 27.4. The optimal situation would be where these are paired with smartphone apps for passengers wishing to use that technology.

The need for the restraining of mobility devices on buses

The disability community and the bus industry see the absence of mobility device restraining mechanisms on buses as posing a safety issue. This issue was raised as part of the first and second Transport Standards reviews.

Bus safety was raised as a concern across all forms of consultation. There was a general consensus that bus travel can be risky for those who use wheelchairs or have other mobility impairments.

(Submission 15—Disability Resources Centre Victoria)

It can be scary being in a wheelchair and the drivers doing sharp stops and turns without being mindful—we can really move across the bus and I've fallen out before and hit the ground hard.

(Submission 31—People with Disability WA)

The Bus Industry Confederation highlighted concerns that requirements of the Transport Standards do at times conflict with workplace health and safety standards, as well as other legislative and regulatory requirements, that bus operators are obligated to meet.

The open areas where wheelchair spaces are positioned (without the usual “compartmentalising” of seats) has resulted in passengers being thrown into the stairwell, following sharp braking or steering. This risk is made worse by the fact that the elderly and mothers with prams are encouraged to sit in these areas. As a consequence, industrial injuries have been sustained, passengers have been subjected to additional risk, and bus operators exposed to possible new legal liabilities.

(Submission 9—Bus Industry Confederation)

It is recognised that there is a need for a range of bus mobility device restraints to be developed that are safe and fit for purpose (see Chapter 10 for further discussion on the restraining of motorised mobility devices on buses).

Issues surrounding the hailing of approaching buses

Bus passengers with vision, cognitive, intellectual or physical disability may be unable to hail an approaching bus. In order to rectify this situation, it was recommended that systems be put in place

whereby drivers are able to be informed in real time of a waiting passenger with disability and be able to identify passengers who require assistance at nominated bus stops.

Boarding ramp issues

Wheelchair users generally find buses to be the most challenging type of public transport conveyance to use with issues surrounding the use of boarding ramp being a main contributor to this situation.

Bus boarding ramps can be short and/or narrow and therefore steep in many situations... They do not generally have side protection to prevent a wheelchair falling off the edge... and are not power driven, resulting in the bus driver having to leave the bus to deploy the ramp, and therefore not aboard to undertake other necessary actions.

(Submission 6—Jordan)

5.3.2 Disability community response to accessibility of bus stops

The main issues identified with the accessibility of bus stops were:

- navigating busy bus interchanges where multiple services were being simultaneously provided
- accessible buses arriving at inaccessible bus stops.

Bus Interchange challenges

A range of submissions provided details concerning challenges experienced in endeavouring to use busy bus stations and interchanges where multiple services were being simultaneously or sequentially provided.

People with disability, especially those with vision impairment, see the critical challenge being the ability to identify the right service and to safely move to the boarding point in a timely manner in order to not miss the bus. Essential to this outcome is the provision of real-time accessible information in multiple formats, especially in circumstances where bus services may be departing from boarding points differing from the usual. As one Sydney member of Blind Citizens Australia relayed:

As a person with a vision impairment, I actively avoid the [large bus] stops because I either do not know where the bus I want is stopping, or I have a higher chance of missing it because I may not get to it in time.

(Submission 10)

The deployment of Customer Liaison Officers at interchanges to assist people with disability to alight and board buses is seen as a critical factor to ensuring successful use of services in very busy environments.

Multiple bus stops at one stop is terrible. I cannot tell which bus is which, and surprisingly neither can my guide dog! Drivers are often too disinterested to help me find the correct bus and the bus I need often jumps the queue after non-disabled people have boarded, which just leaves me standing there with no bus.

(Submission 34—Disabled People's Organisations Australia)

Accessible buses arriving at inaccessible bus stops

The review heard that although buses are generally more accessible, if the bus stop is inaccessible then a 'whole-of-journey' accessible service cannot be provided.

The majority of our bus stops themselves are not wheelchair accessible. So, no matter what you did to the buses, you would not be able to load and unload a person in a wheelchair at the bus stop.

(Submission 26—Queensland Disability Network)

Inaccessible surrounds in some local government areas effectively isolate fully compliant passenger transport services from access points such as bus stops.

(Submission 9—Bus Industry Confederation)

People with Disability WA (Submission 31) highlighted that the height and placement of the bus stop, steep ramps, and the lack of connecting footpaths and adequate shelter against the weather were the biggest issues.

Submissions called for audits to be undertaken at a local government level of all bus stops to assess their accessibility and usability and advise the actions required to make them accessible. This work should be done in consultation with local people with disability. Where the provision of accessible bus stops is not possible due to topography or other good reasons, action plans are required to determine solutions and alternate public transport options.

5.3.3 Disability community response to accessibility of coaches

In the few submissions that mentioned the accessibility of coaches, specific concerns were raised in relation to coach services in regional Victoria.

While living in rural Victoria the physical access to coaches have improved slightly. However, many coaches can only carry one wheelchair / scooter and the mobility aid must be comply with current size standards. For many people their required mobility aid can restrict them from accessing transport options.

(Submission 19—Plunkett)

Women with Disabilities Victoria highlighted instances where a lack of accessible regional coach services resulted in operators utilising equivalent access provisions by paying for return WAT trips from regional Victoria to Melbourne.

The disruptions with coaches has almost been unbearable. Waste in \$500 accessible taxi from Sale to Melbourne, and vice versa, has occurred at least twice in the past 6 months. This leaves the Wellington region with one accessible taxi.

(Submission 22—Women with Disabilities Victoria)

5.4 Industry response to meeting bus compliance targets

Local Governments signalled that the cost of ensuring that the immense numbers of bus stops under their responsibility are Transport Standards compliant, is substantial. From the details provided, and in consideration of the same concerns expressed by Transport for NSW, the Department of State Growth Tasmania and the Bus Industry Confederation, it is clear that a great number of local councils around Australia, especially those in regional and remote locations, while not providing submissions to the review, face the same challenges, especially in light of the December 2022 target of 100 per cent compliance.

5.5 Accessibility of bus travel

The third review received submissions that provided details concerning bus and coach services from the following state and territory governments, transport agencies and representative organisations:

- Transport for NSW
- The Victorian Government
- TMR Qld
- SA Department for Infrastructure and Transport
- Tasmanian Department of State Growth

- Northern Territory Government Department of Infrastructure, Planning and Logistics
- The Australian Capital Territory Government.

Table 6 Snapshot of data demonstrating the accessibility of bus travel reported by state and territory governments (as at December 2017).

State	Snapshot of data demonstrating accessibility of bus travel achieved since the Transport Standards commenced in 2002
NSW	85 per cent of fleet of Sydney metropolitan buses are accessible. 58 per cent of fleet of outer-metropolitan buses are accessible. 11 per cent of fleet of rural and regional buses are accessible (noting that most of the rural and regional buses are dedicated school services which are exempt from having to comply with Transport Standards requirements).
VIC	More than 80 per cent of Melbourne's bus services are wheelchair accessible on weekdays.
Qld	98 per cent of the bus fleet exceeded the 80 per cent compliance target. Compliance levels of 97 per cent to 99 per cent for elements including handrails and grabrails, surfaces, lighting, controls and priority seating were achieved.
SA	The South Australian bus fleet exceeds the 2017 target of 80 per cent in terms of access paths, ramps, boarding, allocated spaces and doorways and doors. Adelaide Metro Fleet are currently achieving 92 per cent accessibility.
TAS	100 new low-floor accessible buses to be delivered over four years, enabling 100 per cent compliance by 2022.
NT	100 per cent of urban buses are low-floor and compliant.
ACT	The ACT bus fleet was 80 per cent compliant as at June 2018.

Source: State and territory government submissions to the Third Transport Standards review. Available https://www.infrastructure.gov.au/transport/disabilities/third_review_public_submissions.aspx

5.5.1 New South Wales advice concerning accessibility of bus travel

In New South Wales, there are currently:

- 14 Sydney Metropolitan Bus Service Contracts
 - Run approximately 90 per cent of timetabled accessible services, not including dedicated school bus services
 - 3686 accessible buses, representing 85 per cent of the fleet
 - 12 Outer-metropolitan Bus Service Contracts
 - Run approximately 91 per cent of timetabled accessible services, not including dedicated school bus services
 - 642 accessible buses, representing 58 per cent of the fleet
- Note: These contracts have a large portion of school buses that have exemptions to requirements under the Transport Standards.
- 657 Rural and Regional Bus Service Contracts
 - Run approximately 67 per cent of timetabled accessible services, not including dedicated school bus services
 - 346 accessible buses, representing 11 per cent of the fleet (noting most of the Rural and Regional bus fleet is for dedicated school services)

Note: These contracts have a large portion of school buses that have exemptions to requirements under the Transport Standards.

Bus contract reforms have ensured that rural operators are funded to provide services which meet safety requirements and the Transport Standards.

5.5.2 Victoria advice concerning accessibility of bus travel

Metropolitan bus services

More than 80 per cent of Melbourne's bus services are wheelchair accessible on weekdays. Most bus services are wheelchair accessible on the weekend and public holidays.

Some bus routes are fully wheelchair accessible and others are partly wheelchair accessible. Consistent with the Transport Standards, direct assistance can be provided to provide access at bus stops, with the bus driver placing a ramp from the front door of the bus to the kerb of the road.

Bus companies, when contacted and provided with adequate notice, also strive to schedule a low-floor bus service for passengers with accessibility needs. SmartBus vehicles are also able to 'meet' the bus stop at the kerb and eliminate a step to board the bus. SmartBus stops have Tactile Ground Surface Indicators that are used to help people with vision impairments.

Regional bus services

There are 180 town bus services in country towns across Victoria and long-haul coach services connecting country towns (in some cases with Melbourne).

All regional bus services are delivered by private sector operators in accordance with service contracts and franchise agreements with the Victorian Government. Some regional city routes operate with low-floor buses. For example, in Ballarat, all services are wheelchair accessible. Direct assistance is also available on some regional buses, with passengers also able to contact relevant bus operators for information about which services are most suitable for their needs.

5.5.3 Queensland advice concerning accessibility of bus travel

A very high compliance result was achieved for buses providing Queensland Government contracted services across the majority of elements of the Transport Standards. Nearly all buses either exceeded or met the 2017 milestone target.

In terms of allocated space, 98 per cent of the bus fleet exceeded the 80 per cent compliance target. This was an increase from the audit conducted in 2012, when 86 per cent of the fleet had an allocated space.

The level of non-compliance with standards that require 100 per cent mandatory compliance is low, with compliance levels of 97 per cent to 99 per cent achieved for some elements including: handrails and grabrails, surfaces, lighting, controls and priority.

Table 7: Summary of 2017 Compliance Audit Results for Buses (Qld)

Transport standard	2017 target (per cent)	Buses—2,309 (per cent)
Part 2—Access Paths	80	98
Part 3—Manoeuvring Areas	80	98
Part 4—Passing Areas	80	98
Part 6—Ramps	80	98

Transport standard	2017 target (per cent)	Buses—2,309 (per cent)
Part 8—Boarding	80	97
Part 9—Allocated Space	80	98
Part 10—Surfaces	100	99
Part 11—Handrails/Grabrails	100	97
Part 12—Doorways and Doors	80	100
Part 14—Stairs	80	97
Part 16—Symbols	100	100
Part 17—Signs	100	100
Part 20—Lighting	100	98
Part 21- Controls	80	97
Part 25—Payment of Fares	100	100
Part 27—Information	100	99

Source: Queensland Government Department of Transport and Main Roads (2018), Third Review of the Disability Standards for Accessible Public Transport 2002 Submission

All urban buses used in the operation of scheduled passenger services contracted by TMR Qld must comply with the requirements of all applicable acts, regulations and standards, including the Transport Standards. In addition, the operator must provide reasonable details of compliance with the Transport Standards, when directed by the department.

All replacement urban buses are required to be compliant with the Transport Standards. This ensures continuous improvement in the compliance percentages, with the urban bus fleet in Queensland ahead of compliance targets as specified under the Transport Standards.

Capital funding for compliant replacement vehicles is now included as part of the contract mechanism for government contracted bus operators throughout Queensland. The amount of capital funding identified for inclusion in contract payments is dependent on the age of the operator's fleet and when replacement vehicles will be required to ensure the specified maximum fleet age is adhered to. Funding is only provided for vehicles that are compliant with the Transport Standards.

5.5.4 South Australia advice concerning accessibility of bus travel

Currently the South Australian bus fleet exceeds the 2017 target of 80 per cent in terms of access paths, ramps, boarding, allocated spaces and doorways and doors.

Buses in the Adelaide Metro Fleet are currently achieving 92 per cent accessibility and it is expected that 100 per cent of buses in the fleet will be accessible by December 2022.

Service contracts for regional transport services requires that vehicles must be fully accessible with space for at least one mobility device on board.

Buses remain an industry concern when attempting to meet compliance requirements. This is a result of the width allowable for transport conveyances on roadways which does not allow for the required manoeuvring areas and access to allocated spaces within the conveyance. The SA Department for Infrastructure and Transport advised that it is impractical to fully comply with the access path and manoeuvring area requirements connected to the allocated spaces for buses due to the width restrictions of vehicles under the Australian Road Rules. However, the department considers buses to be accessible where mobility devices can achieve assisted or self-boarding and can complete their journey.

5.5.5 Tasmania advice concerning accessibility of bus travel

Where the Tasmanian Government contracts for public transport services, those contracts reflect the need for the operator to comply with any obligations under the Transport Standards. Further, contract payments to operators are structured to reflect the requirement to invest in compliant buses.

In Tasmania the largest public transport subsidy payment is a single contract payment to Metro which operates a fleet of approximately 200 buses in and around Hobart, Launceston and Burnie. In 2017–18 Metro secured the first of 100 new buses to be delivered over four years. These new low-floor accessible buses will enable Metro to be 100 per cent compliant with the Transport Standards ahead of the benchmark date of December 2022.

5.5.6 Northern Territory advice concerning accessibility of bus travel

In the Northern Territory 100 per cent of urban buses are low-floor and compliant.

The Northern Territory Government introduced a free bus service to cater for mobility impaired seniors that due to their condition, would not normally be able to use public transport. The service transports eligible passengers to Royal Darwin Hospital, Darwin Private Hospital and Healthy Living NT (formally Diabetes Australia). The services are demand based and run three times a day Monday to Friday. Passengers are required to book at least 24 hours in advance to ensure availability.

In 2014 the Northern Territory Government installed an upgraded ticketing system on urban route service buses in the Northern Territory allowing for the collection of passenger data and schedule adherence. At this stage the system does not collect specific information on disabled passengers.

As part of the ticketing system door counters were also installed to give government access to boarding data which will assist in the installation and upgrades of bus stops and shelters.

5.5.7 Australian Capital Territory advice concerning accessibility of bus travel

The ACT bus fleet was 80 per cent compliant as at June 2018 and that the government is working towards having a fully compliant fleet by December 2022.²⁰

5.6 Accessibility of bus stops

The third review received submissions that provided details concerning accessibility of bus stops from the following state and territory governments, transport agencies and representative organisations:

- Transport for NSW
- The City of Sydney
- The City of Newcastle
- The Victorian Government
- TMR Qld
- The Brisbane City Council
- SA Department for Infrastructure and Transport
- Tasmanian Department of State Growth
- Northern Territory Department of Infrastructure, Planning and Logistics.

²⁰ Although no public submission provided, ACT Government details concerning buses and bus stops were provided 8 February 2019

5.6 1 New South Wales

Presently there are approximately 38,000 bus stops located across New South Wales. Transport for NSW, directly and through its agencies/operators, is responsible for signage and information provision at stops used for Transport for NSW contracted bus services. Responsibility for the remaining infrastructure elements currently lies with landowners, which in the majority of cases is local government.

New South Wales Guidelines for Bus Stops

Transport for NSW is developing guidelines for bus stops. These guidelines outline best practices for locating, designing and prioritising stop improvements. A key component of these guidelines addresses customer access, including people with disability, both to the bus stop and boarding the bus itself. The guideline sets out the requirements of the Transport Standards as they apply to bus stops.

As the majority of stops are located on third-party land, Transport for NSW recognises that there are a wide range of stakeholders and contexts relevant to locating and designing bus stops.

One of the objectives of the Bus Stop Guidelines is to provide a document that can be used for engaging with stakeholders to improve the design, management and operation of bus stops. Issues to be addressed in stakeholder engagement include those with respect to compliance.

The majority of issues in relation to bus stop compliance are generated from landform topography constraints that in some cases ensuring strict compliance with the Transport Standards is not achievable. For example, a major issue is the camber of the road as it impacts on the angle of the vehicle to the footpath. Access can be limited if the curve of the road is too great, even with an accessible bus stop and accessible bus. This issue is acknowledged in the AHRC's Guideline for promoting compliance of bus stops released in December 2010.

The City of Sydney advised the review that bus stops have met the 2017 target and that the city is on track for 100 per cent compliance by 2022.

Some challenges have been experienced in delivering accessible bus stops, and accessible bus shelters, while maintaining appropriate access and clearances on the footways. The City of Sydney works with bus operators to locate stops and establish infrastructure requirements on stop locations based on patronage and site conditions, including street space.

At times, the provision of a bus shelter, while providing amenity to bus patrons, can in fact hinder pedestrian access and mobility, particularly where there are narrow footways in older parts of the city, high pedestrian activity areas and other existing public domain infrastructure.

Of most concern to the City of Sydney is that bus shelters can obstruct the continuous accessible path of travel, and make it difficult for a pedestrian, in particular people using a wheelchair to pass safely behind a shelter. In the city during peak hours, the area can become so crowded with pedestrians and bus patrons, the person using the wheelchair cannot safely pass in the front of the bus shelter, or behind.

While the Transport Standards require a continuous accessible path of travel to the boarding point (1200mm), given that the standards do not require the provision of a bus shelter, there is a dearth of guidance on how to appropriately locate bus stop shelters on footways while maintaining appropriate pedestrian access on the footway. In order to ensure a whole-of-journey approach to accessibility, there is a need to balance comfortable pedestrian space, access to boarding points, and the provision of shelter in a way that does not hinder access or create pinch points.

The City of Sydney has drafted criteria for minimum clearances front and back of the bus shelter (where provided) and will ensure the installation of new bus stop shelters complies with these requirements.

Criteria

1. Where dedicated bus shelters are provided, a continuous accessible path of travel with clear shoreline will be maintained, in particular:
 - a. Where there is adequate width on the footpath, two access paths will be provided. Desirable circulation: 1800mm between building boundary and bus shelter rear edge. 1500mm between front of shelter and kerb face. Acceptable circulation: 1200mm between building boundary and bus shelter rear edge. 1200mm between front of shelter and kerb face
 - b. At minimum one access path of 1200mm minimum width will be provided in accordance with Transport Standards
 - c. Where more than one bus shelter is provided, regular passing points of minimum 1800mm will be provided at least every 20 metres.
2. The installation of dedicated bus infrastructure will be coordinated with other elements in the streetscape.
 - a. Placement of bus shelters will take into account the location of existing street furniture and other infrastructure to ensure the area around the bus stop infrastructure is free from obstructions, and the footpath is not over-crowded.

The City of Sydney recommends that consultations are conducted with infrastructure providers and operators to develop minimum requirements for the continuous accessible path of travel, both behind and in front of any bus shelter, and more detailed guidance on how to locate a bus shelter on the footway.

The City of Newcastle advised that the 2017 legislated targets have not been met and that there are over 1700 stops in the Newcastle local government area with approximately 300 having a seat and/or shelter installed.

Previously the City of Newcastle undertook a full audit of transport stops to assess the extent of work required to meet the Transport Standards and the likely financial implications. At that time, it was estimated that over 900 stops had a crossfall greater than 2.5 per cent and that approximately 30 per cent of stops could not reasonably be made compliant, due to excessive crossfall.

With 100 per cent compliance required by the end of 2022, work still required may include:

- construction of paving at transport stops to achieve a firm, evenly graded boarding point
- installation of Tactile Ground Surface Indicators for the visually impaired
- relocation of seats, shelters, signage, garbage bins etc. to provide manoeuvring areas
- construction of kerb and gutter, access ramps (where there are steep crossfalls), handrails, footway paving and kerb ramps.

The cost of upgrading these stops to meet Transport Standards requirements is estimated to be well in excess of \$10 million.

5.6.2 Victoria

Public Transport Victoria is continuing to introduce new accessible stops both in metropolitan and regional Victoria and to continuously upgrade stops by providing compliant Tactile Ground Surface Indicators, boarding areas, paths or ramps.

Since 2012, there are an additional 1300 Transport Standards compliant bus shelters and Public Transport Victoria has funded many additional Transport Standards compliant council bus stops.

Public Transport Victoria has also progressed a project to add braille plates to all bus stops for services within Victoria and has begun rolling out Passenger Information Displays (PIDs) on bus stops that are being upgraded in the context of other works undertaken by the State or local government.

5.6.3 Queensland

Since 2012 TMR Qld has assisted local governments in upgrading nearly 10,000 urban bus stops with funding in the order of \$30 million.

Since July 2014 Brisbane City Council has upgraded 2100 bus stops at a cost of \$29.1 million and as an operator and provider of bus and ferry services, places a priority on achieving equitable access and inclusion for everyone. Since 2015, over 250 Passenger Information Displays (PIDs) with easier to read text have been upgraded at 44 key bus stations.

Brisbane City Council reiterates as per previous review submissions, that there are significant implications to achieving 100 per cent technical compliance by December 2022.

5.6.4 South Australia

Although no quantitative information was provided, in 2017–18, the SA Department for Infrastructure and Transport approved works to complete hearing augmentation at bus stops along Grenfell Street in Adelaide. This report notes that the proposed works were completed in early 2020.

5.6.5 Tasmania

The Tasmanian Department of State Growth advised that the cost of bus stop upgrades is a significant barrier for providers.

In 2018–19 the Tasmanian Government funded the infrastructure for 40 new compliant bus stops in municipal areas as a part of reviewing and developing a more connected bus network. The cost of each new stop, which often involved additional infrastructure modifications such as improvements to footpaths and traffic safety requirements, was in the order of \$25,000.

The provision of funding for these initiatives is challenging in a jurisdiction such as Tasmania which has over 3,300 bus stops, not including dedicated school bus stops. Further, there remain sufficient uncertainties over what constitutes compliance and there are serious concerns that a complaint may still be successful despite the best endeavours of both the Tasmanian Government and the provider. Further issues revolve around differing perspectives between the Tasmanian Government and councils on roles and responsibilities as they apply to bus stops in municipal areas.

In recent years the Tasmanian Government entered into funding agreements with a number of local government bodies to support the upgrade of key bus stops in urban fringe and regional communities to complement operator investment in accessible vehicles servicing those locations.

5.6.6 Northern Territory

Darwin and surrounding rural areas contain approximately 900 bus stops and shelters, of which 550 are within the Darwin urban network. This includes three compliant bus interchanges and three compliant park and ride facilities.

Since 2012 the Northern Territory Government has designed, fabricated and installed approximately 70 compliant bus shelters across the Darwin urban network, upgraded 70 bus shelters with solar lighting and continues to fund an ongoing program to upgrade current bus stops and shelters to meet accessibility requirements.

Since acquiring the Alice Springs bus network in 2011 the Northern Territory Government has continued to fund an ongoing program for upgrades to all bus stops and shelters. There are currently 100 bus stops in the Alice Springs urban network with 100 stops either fully or partially compliant.

Bus Interchanges

The Northern Territory Government contracted a consultant to review and make recommendations for the upgrade of Tactile Ground Surface Indicators at all Northern Territory bus interchanges. During the 2017–18 financial year a Minor New Works Program was undertaken to upgrade all interchanges with a fully compliant layout of Tactile Ground Surface Indicators.

All Northern Territory bus interchanges have upgraded wheelchair accessible parking, line marking, pedestrian crossings and wheelchair ramps.

5.7 Accessibility of coach travel

The third review received submissions that provided details concerning other specific accessibility initiatives for coach services from the following state and territory governments, transport agencies and representative organisations:

- TMR Qld
- Transport for NSW
- Public Transport Authority of Western Australia
- Bus Industry Confederation.

5.7.1 Queensland

Limited information was provided to the review about the accessibility of coaches. TMR Qld was the only government agency to provide detailed statistics concerning the provision of accessible coach services.

Table 8: Summary of 2017 Compliance Audit Results for Coaches (Qld)

Transport standard	2017 target (per cent)	104 coaches (per cent)
Part 2—Access Paths		N/A
Part 3—Manoeuvring Areas		N/A
Part 4—Passing Areas	90	
Part 6—Ramps	90	N/A
Part 8—Boarding	90	90
Part 9—Allocated Space	90	90
Part 10—Surfaces	100	88
Part 11—Handrails/grabrails	100	92
Part 12—Doorways and Doors	90	95
Part 14—Stairs	90	90
Part 16—Symbols	100	87
Part 17—Signs	100	91

Transport standard	2017 target (per cent)	104 coaches (per cent)
Part 20—Lighting	100	90
Part 21—Controls	90	84
Part 25—Payment of Fares	100	87
Part 27—Information	100	90
Part 28—Booked Services	100	88
Part 30—Belongings	100	87

Source: Queensland Government Department of Transport and Main Roads (2018), Third Review of the Disability Standards for Accessible Public Transport 2002 Submission

Note: The provision of allocated space on coaches is not mandatory. Coaches are not required to have an allocated space if each passenger uses a fixed seat.

TMR Qld advised that the 2017 coach audit results indicated only a slight improvement in compliance with the Transport Standards. In terms of allocated space, 90 per cent of the long-distance coach fleet met the 90 per cent compliance milestone target. This was seen as a significant achievement and was an increase from the audit conducted in 2012, when only 31 per cent of the fleet had an allocated space.

The level of non-compliance with elements that required 100 per cent mandatory compliance ranged between 87 per cent and 92 per cent including: surfaces, handrails and grabrails, symbols, signs, lighting, payment of fares, information, booked services and belongings. These results were a significant improvement from the 2012 audit. The fleet achieved a result of 84 per cent compliance for controls.

Since 2012, TMR Qld has provided ongoing funding support towards the delivery and continued operation of long-distance coaches through its service contracts. In January 2015, with the commencement of new long-distance service contracts, TMR Qld required that all vehicles complied with all applicable Acts, Regulations and Standards, including the Transport Standards.

TMR Qld contracted operators have 32 accessible coaches available to provide services. In any given week, 20 accessible buses and coaches are required to deliver long-distance services throughout regional and remote Queensland. Given the long distances travelled, these coaches require regular maintenance. The remaining accessible fleet of 12 vehicles is used on a rotational basis to cover vehicles while they are undergoing maintenance. These accessible long-distance coaches ensure regional and remote communities have continued access to essential medical, education, business and social services in larger provisional towns.

Current long-distance contracts state that operators must comply with all applicable Acts, Regulations and Standards relating to the provision of a passenger transport service and that a Disability Action Plan must be lodged with the Queensland Human Rights and Equal Opportunity Commission. Operators are also required to submit information regarding their Disability Actions Plans to TMR Qld as required.

5.7.2 New South Wales

Regular coaches that replace trains at some junction points in the regional train network are 100 per cent accessible.

5.7.3 Western Australia

The Public Transport Authority of Western Australia (PTA of WA) advised that in regional areas of Western Australia many coach stops are seldom used (45 per cent had less than one passenger per week).

Booked regional and remote services in Western Australia operate with a number of constraints which are not experienced by unbooked metropolitan services. These booked coach services have four main differences in that they:

- provide services in regional areas
- have a much smaller fleet of conveyances
- operate over longer distances
- have a single operator.

These differences also mean that Transwa (Western Australia's regional public transport provider) provides a large number of stops to improve the service offered to regional passengers, however many are seldom used and do not justify upgrading to meet Transport Standards requirements.

The PTA of WA further advised that to allow boarding on demand (which may be available to people without a disability), requires six seats to be removed permanently which reduced road coach capacity by about 10 per cent and from records, has a very low level of utilisation. During peak periods; weekends, school and public holidays, this may result in other passengers being prevented from travelling if these seats are always removed. This constraint is seen as an issue for regional coaches.

5.7.4 Bus Industry Confederation

The Bus Industry Confederation (Submission 9) raised a number of major concerns in relation to the provision of accessible coach services.

Charter coach services

Charter coach services should not be required to meet Transport Standards requirements as they carry specific groups of people who have booked a dedicated and defined service. If accessible transport is required, this will form part of the charter request by the customer. The review notes that this issue was discussed in detail in the 2012 Review report, especially in light of the decision of the Federal Court of Australia in *Haraksin v Murrys Australia Limited* [No. 2], and was subsequently considered, although not resolved, as part of the Transport Standards modernisation process (see Chapter 3).

Wheelchair lifts

The Bus Industry Confederation contends that the coach industry has had to deal with a considerable level of financial hardship in relation to the instalment of wheelchair lifts that are rarely used. In consideration, the coach industry is seeking greater flexibility, clarity and a revised guideline concerning equal access to coaches for people with disability and a common procedure to follow in the absence of wheelchair lifts.

Another issue raised concerns mobility device users wanting to travel in a coach seat. This raises concerns around the transfer of passengers to a coach seat in a way that does not impact on the dignity of the person and the storage of mobility devices in coach luggage bins. Since mobility devices have no visual guidance as to whether they meet Transport Standards requirements, they are sometimes too large for the coach bin and can impact on the overall legal mass of the bus. This also creates workplace health and safety issues for drivers having to move mobility devices in and out of coach luggage bins.

Coach tours

Coach operators are also seeking clarification in relation to destinations and tour visit locations that are not compliant with the *Disability Discrimination Act 1992*. The Bus Industry Confederation advised that many tourist areas simply do not provide the facilities and infrastructure for people with disability and as such these issues remain out of the coach operator's control. Given this situation the confederation believes that the Transport Standards exemption in relation to 'adventure travel' (Section 1.23(3)) should be extended to allow coach operators the flexibility to assess the suitability of publicly available coach tours and destinations.

Accessible toilets on coaches

While it is clear to the industry that toilets on coaches do not need to meet accessibility standards due to aisle width restrictions, confusion still exists within some states and territories on this requirement, for example when specifying vehicles for rail replacement coach services. The Bus Industry Confederation requests that the AHRC or the Department of Infrastructure, Transport, Regional Development and Communications provide clear guidance concerning accessible toilets on coaches in order to provide clarity for coach operators.

Overall achievement of bus and coach accessibility to date

Governments have indicated that bus services have met the 2017 compliance targets and are well underway to meeting the final December 2022 target of 100 per cent. Disability community submissions have highlighted that improvements have occurred.

However, notwithstanding these encouraging findings, there are still a number of ongoing issues relating to safety that need to be addressed to ensure that people with disability can enjoy safe travel by bus.

Chapter 6: Taxi accessibility

Summary of taxi accessibility findings

- Available data and advice provided to the review by state and territory governments indicate they are making concerted efforts to improve their wheelchair accessible taxi services.
- Industry is increasingly offering a variety of booking services and payment platforms that consider accessibility needs.
- The disability community sees the taxi industry as providing a clear alternative in situations where utilisation of other public transport modes is avoided due to negative personal experiences.
- Challenges surrounding the accessibility of taxis still persist, with the main areas of concern identified by the disability community relating to expense, unreliability, specific issues for the blind and vision-impaired, and driver competency and training.
- State and territory governments are calling for consideration to be given to amending the Transport Standards so that it better reflects the structure of the modern industry.
- The disability community is calling for rideshare services to be incorporated under the Transport Standards.
- There is a call for consideration of incorporation of standards for wheelchair securement systems into the Transport Standards to ensure access and safe travel for mobility aid users.

6.1 Introduction

Taxis provide a door-to-door, on-demand service, and as a result are particularly important to people with disability, especially those who are unable to access mass transport. The Australian taxi fleet has included wheelchair accessible taxis (WATs) since the 1980s which represents one of the first public transport accessibility initiatives by Australian industry. In addition to wheelchair accessibility, conventional taxi use is popular among people with a vision or hearing impairment.

Since the second Transport Standards review report was drafted in 2013–14, the Australian taxi industry has undergone significant change due to the introduction and legalisation of rideshare services in all states and territories. Rideshare is a car service with which a person uses a smartphone app to arrange a ride in a usually privately-owned vehicle.²¹ This chapter concerns advice provided by state and territory governments, industry and the disability community in relation to taxi services, with consideration of rideshare discussed in Section 10.3.

6.2 Requirements under the Transport Standards

The Transport Standards include specific requirements intended to enable taxi operators and providers to remove discrimination from taxi services and infrastructure. These requirements apply to both the taxi and the infrastructure that supports taxi services such as booking services and taxi ranks.

For taxi infrastructure, the Transport Standards require:

- access paths, manoeuvring areas, ramps, passing areas, resting points, waiting areas and the use of TGSi at designated areas where taxis are being accessed (such as taxi ranks)
- safety aspects around taxi infrastructure, including surface areas, lighting, handrails and grabrails
- signage designating taxi areas, as well as the use of symbols and the provision of information on services.

For (standard) taxis and WATs, the Transport Standards require:

- minimum size of the spatial footprint on the vehicle floor and the minimum head room in the allocated space
- minimum height of the doorway used to accommodate a wheelchair
- the use of boarding ramps, including the width of ramps, gradient of ramps and situations in which direct assistance should be provided, payment of fares
- tactile taxi registration numbers.

By 31 December 2007, the Transport Standards compliance timetable specifies that:

- response times for WATs are to be the same as for other taxis (It should be noted that there is no requirement in the Transport Standards that WAT services comprise a percentage of the overall fleet for a region)
- taxis have raised taxi registration numbers on the exterior of passenger doors
- taxi ranks comply with the requirements for lighting, signs, and information
- 25 per cent of taxi ranks comply with the requirements for TGSi's, resting points and ramps.

²¹ Dictionary.com. Ridesharing. Available <https://www.dictionary.com/browse/ridesharing>

By 31 December 2017, the Transport Standards prescribed the following requirements for taxi conveyances, infrastructure and premises:

- 3.1 Operator/provider compliance with the relevant standards by 90 per cent of each type of service in relation to resting points, boarding, allocated space and street furniture.
- 3.2 Operators/providers compliance with the relevant standards by 80 per cent of each type of service in relation to access paths, manoeuvring areas, passing areas, ramps, doorways and doors, lifts, stairs, toilets, tactile ground surface indicators and controls.²²

6.3 Disability community response to taxi accessibility

Disability community submissions to the review highlighted that for many people with disability, taxi services are a major source or the only source of transport available to them. Accordingly, service reliability is critical to their connecting with community and health services.

People²³ reported that they depend on Commercial Passenger Vehicles either as their sole means of transport, or to connect them with other modes of public transport.

(Submission 15—Disability Resources Centre Victoria)

It is well understood that people with disability are highly dependent on traditional taxi services for transportation.

(Submission 33—Public Interest Advocacy Centre)

The use of taxi / rideshare was presented as an alternative to the other modes of public transport as a result of concerns in relation to safety, accessibility, access to information and timetabling.

(Submission 31—People with Disability WA)

The disability community highlighted expense, unreliability, specific issues for the blind and vision-impaired, and driver competency and training, as the four key issues for taxi accessibility. The section below outlines these four key issues from the disability community submissions.

Expense

In highlighting reliance on taxi services, submissions highlighted the increased expense associated with using taxis relative to other forms of public transport.

For many people with disability, taxis are the only way in which they can participate in their communities and travel to and from destinations. However, the prohibitive cost of taxi travel further isolates people with disability, and limits their social and economic participation, stifling their health and wellbeing.

(Submission 34—Disabled People's Organisations Australia)

The review was provided examples of where significant extra cost was incurred as a result of having to use taxi services. Questions are asked as to why government Taxi Subsidy Scheme payments do not allow for fare costs similar to those incurred in using buses and trains.

A single taxi trip from Mapleton to Nambour is \$36. Taxi subsidy would mean the trip is \$18. The cost of an adult daily QConnect fare is \$6.40 and an adult weekly QConnect fare is \$25.60. The cost of a concession daily QConnect fare is \$3.20 and a concession weekly QConnect fare is \$12.80.

(Submission 3—Stehn)

²² Federal Register of Legislation. Disability Standards for Accessible Public Transport 2002. Available <https://www.legislation.gov.au/details/f2005b01059>

²³ People refers to Victorians with disabilities that were interviewed by the Disability Resources Centre

Unreliability

Alongside expense, submissions also noted that taxi services could be unreliable.

It is common for vehicles to either arrive very late, or not turn up at all, resulting in individuals missing appointments, social activities or not being able to access public transport. This was reported to be a significant anxiety for people, particularly those who live in areas not serviced by rideshare options, those who cannot or do not use a smartphone and those who require a Wheelchair Accessible Vehicle.

(Submission 15—Disability Resources Centre Victoria)

Of the few regional submissions received, advice was provided that there has been no increase in WAT numbers. Concerns were also raised in relation to long wait WAT response times. Calls were made for Minimum Service Level agreements to be adopted to ensure response time consistency across the WAT industry.

Specific issues for the blind and vision-impaired

Specific issues for the blind and vision-impaired were also raised by submissions. Blind Citizens Australia (Submission 10) and the Australian Blindness Forum (Submission 13) highlighted issues faced by the blind or vision-impaired primarily focused on not being able to visually ascertain aspects of taxi services, or their need to be accompanied by a guide dog.

The identification of taxis, accessibility of fare meters and the utilisation of Taxi User Subsidy Schemes continues to pose challenges for passengers who are blind or vision-impaired. Not all taxis are fitted with talking taxi meters which announce the metered fare and any additional fees and surcharges, and not all taxi registration numbers are provided in both braille and raised print on the exterior and interior of the vehicle for ease of identification.

Submissions provide that there is substantial evidence that there continues to be many instances where passengers accompanied by a guide dog are refused service. Cases have been cited where taxis and rideshare drivers deliberately pass by a passenger with a guide dog. Refusal of service is in itself a traumatic and confronting experience for the blind and vision-impaired and is exacerbated by the difficulty obtaining the relevant details required to report the incident.

The Transport Standards are silent on other issues relating to long wait times, for example, where a person has disclosed at the time of booking that they have an assistance animal with them. A person with disability bears the burden of bringing a claim under the DDA where they have been refused a service on the basis of their disability.

(Submission 33—Public Interest Advocacy Centre)

The review notes that state and territory governments are taking this matter seriously with some governments planning to introduce serious fines for those who do not allow accredited assistance or service animals into their businesses (including taxis).

Driver competency and training

In some instances, access to transport can be complicated by a driver's lack of communication skills and understanding their obligation to assist a passenger with vision impairment. A call was heard for ongoing education of the taxi / rideshare industry to ensure compliance with the Transport Standard.

Members regularly report a number of issues in relation to driver training and competency, including interpersonal skills, knowledge of how to safely tie down a mobility aid to prevent injury to the passenger and knowledge of how the EFTPOS system works or most effective routes to destinations.

(Submission 26—Queensland Disability Network)

Drivers were also seen to commonly lack a basic understanding of the local area that they were servicing and subsequently, experienced difficulty with navigating to a specified address. This can be extremely disabling for a passenger who is blind or vision-impaired as they are not able to ascertain their whereabouts by simply looking out the window.

6.4 Industry response to meeting taxi compliance targets

The Australian Taxi Industry Association (ATIA) on behalf of its members advised the review that the taxi industry has met the following compliance targets.

Table 9: Taxi compliance against Transport Standards

Transport Standards Section Requirement	Achievement
Section 1.1 Signs	100 per cent compliance
Section 1.2 Response times	Data unavailable (see advice provided)
Section 2.2 Head Room / Door Opening	100 per cent compliance
Section 3.1 Manoeuvring areas	100 per cent compliance
Section 3.1 Allocated Space	100 per cent compliance

Source: Australian Taxi Industry Association submission (ATIA—No.37) to the Third Transport Standards review. Available https://www.infrastructure.gov.au/transport/disabilities/third_review_public_submissions.aspx.

As detailed in its submission to the first and second Transport Standards review, the ATIA advised that it is unable to quantify the level of compliance by taxis in relation to Section 1.2 Response times. This was due to taxi networks not exercising control over critical elements in the service supply chain. These elements included no control over the number or proportion of WATs, the price of these services or direct control over drivers or operators.

New strategies and technologies

The ATIA is aware of taxi networks, operators and drivers adopting a range of new technologies and strategies to improve the accessibility of services, including:

- Improvements to WAT driver training including the development of a specific national training competency
- Improvements to (standard) taxi driver training in relation to providing services to people with disability, including the participation of organisations such as Guide Dogs Australia and Spinal Injuries Associations in course delivery and content development
- Implementation of:
 - dispatching protocols that restrict WAT drivers from accessing other jobs while WAT jobs are holding
 - affiliation rules or regulations that prevent WATs from making themselves unavailable for dispatch jobs while plying for rank/hail work
 - wheelchair job quotas with responsibility placed on the WAT driver, operator and/or licence holder
 - affiliation rules or regulations that establish monetary or other penalties for WAT jobs not accepted by drivers
 - on-time bonuses and incentives for WAT drivers in certain operational situations
- Deployment of new taximeters that have an audio function to assist people with a visual impairment

- Improvements to smartphone booking apps to improve the transactional experience for people with hearing impairments
- A general trend to replace ramp accessible vehicles with hydraulic hoist accessible vehicles.

6.5 Accessibility of taxis

The third review received submissions that provided details concerning the accessibility of taxis from the following state and territory governments, transport agencies and representative organisations:

- Transport for NSW
- The Victorian Government
- TMR Qld
- Department of State Growth Tasmania
- NT Department of Infrastructure, Planning and Logistics
- Brisbane City Council.

Table 10 Snapshot of data demonstrating the accessibility of taxis reported by state and territory governments (as at December 2017).

State	Snapshot of data demonstrating accessibility of taxis achieved since the Transport Standards commenced in 2002
NSW	In 2013 WATs comprised 11 per cent of the total New South Wales taxi fleet. By September 2018 this had increased to 16.84 per cent of the fleet, with 1183 WATs operating in New South Wales, 300 of these in non-metropolitan areas.
VIC	The Multi-Purpose Taxi Program (MPTP) subsidised 4.79 million taxi trips in 2016/2017. A commissioner dedicated to considering disability and accessibility matters for the industry was also appointed in early 2018.
Qld	TMR Qld is aware that approximately 20 per cent (or 641) of taxi licences are for WATs. Between 12 December and 30 June 2018, TMR Qld funded approximately \$8.4 million in lift payment.
TAS	Implementation of Tasmania's Disability Framework for Action (2018-2021), the Department of State Growth Tasmania has prepared its second Disability Action Plan.
NT	23 per cent of the Northern Territory taxi fleet is now wheelchair accessible.

Source: State and territory government submissions to the Third Transport Standards review. Available https://www.infrastructure.gov.au/transport/disabilities/third_review_public_submissions.aspx.

6.5.1 New South Wales advice concerning accessibility of taxis

The New South Wales point-to-point market (taxis, hire cars, rideshare etc.) has changed markedly. Following a 2015 review of the sector, significant regulatory reforms have been introduced. Adjustments have also been made to strengthen the arrangements designed to ensure that services for people with disability, especially those who need to travel in a wheelchair, remain available and affordable.

This includes the following changes which took effect from 1 July 2016:

- The maximum Taxi Transport Subsidy Scheme (TTSS) subsidy was increased from \$30 to \$60 per trip.
- The Wheelchair Accessible Taxi Driver Incentive Payment was increased from \$7.70 (ex. GST) to \$15 (ex. GST) per trip.
- The pool of funds available for the WAT interest-free loan scheme was expanded from \$800,000 to \$5 million. WAT loans became available to cover the full cost of purchase and modification (rather than \$30,000 to cover just the modifications).
- The cost of Zero200, the centralised booking service for WATs in Sydney, was subsidised, saving WAT businesses \$2130 per vehicle per year.
- WAT licence fees were decreased from \$1000 per annum to zero in metropolitan areas, in line with the rest of New South Wales.

The New South Wales Government has sought to promote the uptake of WAT licences by offering a number of incentives. In 2013 WATs comprised 11 per cent of the total New South Wales taxi fleet. By September 2018 this had increased to 16.84 per cent of the fleet, with 1183 WATs operating in New South Wales, 300 of these in non-metropolitan areas.

The 2015 sector review recommended the TTSS move to a service provider neutral subsidy scheme. Findings from a Transport Disability Incentives and Subsidies (TDIS) review were released in February 2020, summarising the feedback received from stakeholders in relation to implementing the subsidy scheme and regarding how other WAT incentives can be structured to drive improved service delivery. A key recommendation from this review was to develop new system for administering the TTSS to replace the existing paper dockets which will gradually be expanded to include all point to point transport providers.²⁴

The 2015 review resulted in the Point-to-Point Transport (Taxis and Hire Vehicles) Act 2016, which commenced on 1 November 2017, with an independent regulator, the Point-to-Point Transport Commissioner.

Safety is the focus of law, which departs from the previous legislation by not prescribing a business model and industry structure. This allows service providers to use technology and to shape their services to respond to customer demand, providing greater choice and flexibility and enabling them to compete on service quality and price.

The Point-to-Point Transport (Taxis and Hire Vehicles) Act 2016 and the Point-to-Point Transport (Taxis and Hire Vehicles) Regulation 2017 include a number of provisions specific to wheelchair accessible vehicles, for example:

- WATs which are available for hire must accept a hiring for a person in a wheelchair in preference to hiring from a person not using a wheelchair. Compliance monitoring is to be undertaken on a regular basis to ensure that appropriate priority is given to people in wheelchairs in an ongoing way.
- The driver of a wheelchair accessible vehicle must be competent in loading and unloading wheelchair passengers, equivalent to the competency unit TLIC2040 Provide WAT services to passengers with disabilities (Release 1) issued by the Commonwealth.
- Minimum space requirements for all wheelchair accessible vehicles are prescribed. It also requires compliance with Australian Standards for hoists, ramps and tie-downs.

²⁴ Transport for NSW, Transport Disability Incentives and Subsidies, 2020

6.5.2 Victoria advice concerning accessibility of taxis

The Transport Standards are relevant to the state's taxi and hire car industry (now referred to as the commercial passenger vehicle industry). Under the Transport Standards, WATs must meet a range of requirements to ensure the safety of passengers and ensure compliance with the Transport Standards.

During 2012–17 the Victorian Government induced the supply of Transport Standard compliant vehicles in urban, regional or country towns through its WAT vehicle subsidy scheme. The scheme is administered by the industry regulator, Commercial Passenger Vehicle Victoria (CPVV).

The purpose of the subsidy is to reduce the capital cost of purchasing a WAT vehicle to make it a similar cost to purchasing a conventional taxi and, as a result, the purpose of the scheme is to:

- maintain and improve the availability of WATs
- make the operation of WATs more cost effective.

The Transport Standards require that the wait or response times for WATs be the same as for conventional taxis. During 2012 to 2017, the during peak periods of demand, the wait time for WATs continued to exceed the wait time for conventional taxis. To begin to address poor service outcomes, including long wait times experienced by people with disability when using taxis and hire cars, the Victorian Government in 2016 announced a series of reforms to the commercial passenger vehicle industry.

To assist to address the wait time disparity, the lifting fee—an incentive paid to taxi operators and drivers—was increased from \$16.70 to \$20 per trip. Since then, reforms to the commercial passenger vehicle industry, which have had the effect of reducing barriers to entry increasing competition, were implemented in 2018.

The Victorian Government also continued to provide incentives to Network Services Providers (NSPs)²⁵, which are providers of accredited taxi-cab network services. NSPs operate a central communications service, including 24 hour booking and dispatch services for taxi-cabs, including WATs. The Performance-Based Booking System (PBBS) allows a WAT booking fee to be paid for each WAT booking dispatched by NSP's. The PBBS also provides incentive payments if performance targets are achieved.

The demand for WATs has also been maintained through Victoria's user subsidy program, the Multi-Purpose Taxi Program (MPTP). The MPTP pays 50 percent of each regulated taxi fare—up to a maximum of \$60. High need users have no annual spending limit while other users have an annual spending limit of \$2,180. By 2016/2017, the MPTP subsidised 4.79 million taxi trips.

Because of the reforms the Victorian Government expects that there will be more choice in the future for people who rely on WATs and that timeliness and quality of services will improve.

Early indications are that the reforms are already working to increase the accessibility of the commercial passenger vehicle industry. At this early stage, the number of both wheelchair and conventional vehicles in Victoria has increased, as has the number of vehicles that are able to process the MPTP subsidy.

Other initiatives within the reforms are also designed to improve accessible commercial passenger vehicle services, particularly in regional areas. In 2016, the Victorian Government increased the lifting fee to \$20 per trip.

²⁵ This terminology has since changed following the introduction of the Commercial Passenger Vehicle Industry Act 2017.

A commissioner dedicated to considering disability and accessibility matters for the industry was also appointed in early 2018. The commissioner will monitor the industry and use stakeholder feedback to deliver additional improvements.

6.5.3 Queensland advice concerning accessibility of taxis

Since mid-2016, TMR Qld has progressively implemented the Queensland Government's personalised transport reform program Queensland's Personalised Transport Horizon — Five Year Strategic Plan for Personalised Transport Services 2016–2021. Implementation is now in stage 3 of the reforms, which involves the ongoing monitoring and evaluation of the new personalised transport framework to ensure it delivers the best outcomes for customers, industry and government

The five-year Strategic Plan introduces a new framework for personalised transport services that are safe, accessible, affordable and accountable and provide certainty for the whole industry, strengthen industry standards and choice for customers across Queensland.

The new framework provides protections to ensure customers with disability have affordable and accessible personalised transport through maximum fare protections for members of the Taxi Subsidy Scheme and users of wheelchair accessible services.

Taxi Subsidy Scheme

TMR Qld continues to administer the Taxi Subsidy Scheme which provides an affordable and accessible transport option for people with disability who experience profound difficulties using other modes of public transport.

As part of the reform of personalised transport services, taxis retain exclusive access to the provision of services to members of the Taxi Subsidy Scheme. However, in the future, the Queensland Government may consider the expansion of other personalised transport operators providing subsidised services to Taxi Subsidy Scheme members, subject to operators being able to meet the transportation needs of the members and comply with the Transport Standards.

TMR Qld is aware that approximately 20 per cent (or 641) of taxi licences are for WATs and that one wheelchair accessible limousine operates in south east Queensland.

A \$20 lift payment was introduced on 12 December 2016 as an incentive for drivers of WATs to prioritise services to Taxi Subsidy Scheme members travelling in wheelchairs and mobility devices. Up until 30 June 2018, TMR Qld funded approximately \$8.4 million in lift payments and remains committed to the ongoing funding of this initiative.

Wait times

In accordance with the Transport Operations (Passenger Transport) Regulation 2018, all authorised booking entities are required to report summary information on wait times for the booked hire trips they arrange. This occurs on a quarterly basis and applies to trips provided in WATs for passengers using wheelchairs and members of the Taxi Subsidy Scheme. Information is reported on the average wait time in minutes; and the percentage of trips with a wait time of more than 20 minutes.

Driver training

TMR Qld is in the process of developing outcomes-based training standards for drivers of personalised transport services in relation to disability awareness, anti-discrimination (including sexual harassment) and providing wheelchair accessible services. This report notes that the Personalised Transport Required Driver Training Notice was released in January 2019.

Brisbane City Council response

Brisbane City Council provides a 'Council Cabs' service which provides people who have mobility difficulties with transport to travel from their homes to essential services, such as shops, banks and postal services. This supports residents to remain independent and connected to their local community.

For a subsidised fixed fare of between \$1 and \$3, passengers can travel between their home and a local or district shopping centre on a fixed schedule. The service includes assistance with mobility devices and carrying shopping to the front door of passengers' homes.

To be eligible for the service a customer must live in Brisbane City Council's Local Government Area and be over 60 years old, mobility impaired and hold a Pension Concession Card or a Centrelink Seniors Card, or be a carer or minor accompanying someone who is eligible.

There are currently 4,800 registered users of Council Cabs, with 177 suburbs serviced and 2,281 services offered per month. In 2017–18, there were approximately 59,000 one-way trips booked via Council Cabs.

Brisbane City Council also offers Personalised Public Transport (PPT) — a low-cost hail and ride service that helps connect residents to their local transport hubs. This service operates in areas where TransLink services are limited with specially marked wheelchair accessible and air-conditioned maxi-cabs provided by Yellow Cabs. PPT services:

- carry up to 10 people per trip
- can be hailed at any safe point along the fixed route
- can pick up and drop off passengers where safe to do so on a fixed route or operate on a loop.

6.5.4 South Australian advice concerning accessibility of taxis

The SA Department for Infrastructure and Transport advised that accessible taxis are regulated through the department with the monitoring of schemes that provide reduced rates and vouchers for people with disability to access travel.

6.5.5 Tasmania advice concerning accessibility of taxis

To support the implementation of Tasmania's Disability Framework for Action (2018-2021), the Department of State Growth Tasmania has released its third Disability Framework for Action. In relation to public transport, through the action plan a range of initiatives have been implemented. These included a review of arrangements related to WATs to explore measures aimed at increasing supply and accessibility.

6.5.6 Northern Territory advice concerning accessibility of taxis

In the Northern Territory, schemes have been introduced to provide assistance to permanent residence who have been assessed as having a disability, or significant mobility restriction, that prevents them from being able to access public transport.

Transport Subsidy Scheme

The Transport Subsidy Scheme provides financial assistance to permanent residents of the Northern Territory who have been assessed as having a disability or significant mobility restriction that prevents them from being able to travel on public transport. The disability may be either physical, sensory, psychiatric or intellectual. The scheme is intended to assist members with their transport needs but is not intended to meet all transport costs. The scheme operates throughout the Northern Territory with members able to access either taxi, minibus, private hire car and rideshare vehicles (where available). The

scheme provides eligible members with a subsidy of half the fare. The remaining fare is to be paid by the member.

Lift incentive scheme

The Lift Incentive Scheme is a Government funded incentive scheme which provides drivers of approved wheelchair accessible commercial passenger vehicles \$20 for each journey involving passengers travelling in a wheelchair. The incentive is allocated to persons who have been assessed as requiring the use of a wheelchair accessible vehicle. Members are allocated 180 x \$20 lift incentives per year.

Wheelchair Accessible Taxis

On road compliance audits of taxis are conducted throughout the Northern Territory, with 23 per cent of the Northern Territory taxi fleet now wheelchair accessible.

The rectangular prism standard has been implemented for wheelchair spaces in multiple purpose taxis with braille labels mandatory on all passenger entry points for taxis and minibuses. On road compliance audits of taxis are conducted throughout the Northern Territory.

Since 2012, the Northern Territory Government has a rolling installation program for taxi information totems at taxi ranks across the Darwin, Katherine and Alice Springs regions. The totems provide passengers information on their current location, the totem number and taxi network contact details. The totems, including the urban bus totems also have braille signage advising them of these details.

Overall achievement of taxi accessibility to date

Data provided by the state and territory governments indicate that the accessibility of taxis has improved. Industry is increasingly offering a variety of booking services and providers, and it is important that these booking and payment platforms consider accessibility needs. The review has also heard that appropriate standards for wheelchair securement systems such as tie-downs and minimum requirements for vehicle hoists and ramps, may need to be incorporated into the Transport Standards to ensure access and safe travel for mobility aid users. However, data relating to response times was not provided and as such, it not possible to comment on that aspect.

The disability community response to the accessibility of taxis provides an indication of the key issues facing the industry. Submissions highlighting the importance of the taxi industry as a clear alternative in situations where utilisation of other public transport modes is avoided due to negative personal experiences. However, challenges surrounding the accessibility of taxis still persist, with the main areas of concern identified relating to expense, unreliability, specific issues for the blind and vision-impaired, and driver competency and training.

Chapter 7: Ferry and jetty accessibility

Summary of ferry and jetty accessibility findings

- Disability organisations and industry have recognised that the affording of safe, stable access to people with disability is fundamental to the provision of accessible ferry services.
- Ferry and jetty accessibility are a unique part of the public transport system as tidal variability effects dynamic elements of the interface between the wharf and ferry vessels.
- Submissions have highlighted issues concerning the slope of ramps connected to pontoon wharves and the need for auto-levelling landings on ferry pontoon gangways as required.

7.1 Introduction

Ferries and jetties as part of the public transport systems, are predominantly located in Sydney and Brisbane with smaller services operating in Darwin, Melbourne and Newcastle. Importantly, ferries are distinct from charter boat tours which are operating across Australia but are not required to comply with the Transport Standards.

This chapter concerns details provided in submissions in relation to ferry and jetty services and related disability community concerns.

7.2 Requirements under the Transport Standards

Transport Standards requirements apply to both the ferry itself and the infrastructure that supports the service (including the pontoons and wharves). Meeting the Transport Standards requirements should facilitate a person with a disability being able to:

- board and disembark the ferry
- access an appropriate sea
- access on-board announcements, information and services
- travel safely and transport required mobility aids.

The accessibility of ferry infrastructure relates to a passenger's ability to:

- access timetables and bookings, ferry terminals and pontoons, information within the terminal, and services and exits at the destination terminal.^{26 27}

The Transport Standards prescribe the following Schedule 1 Part 3 requirements for ferry conveyances, infrastructure and premises as at 31 December 2017.

- 3.1 Operator/provider compliance with the relevant standards by 90 per cent of each type of service in relation to resting points, boarding, allocated space and street furniture.
- 3.2 Operators/providers compliance with the relevant standards by 90 per cent of each type of service in relation to access paths, manoeuvring areas, passing areas, ramps, doorways and doors, lifts, stairs, toilets, tactile ground surface indicators and controls.

7.3 Disability community response to ferry and jetty accessibility

Disability community input concerning ferry services largely highlighted concerns around stability when accessing ferries. Pontoon gangways can appear unsafe and have awkward gradients depending on high or low tides. In consideration, there is a need to clarify requirements for gangplanks and levelling pontoons in the standards. The availability of direct assistance was raised as one way of ensuring ferry access in difficult situations.

The topography surrounding many ferry wharves can present challenges to independent access, however Australian Blindness Forum recognises that in recent upgrades to some wharves, improvements to access have been made. As with all transport modes, where the infrastructure and transport conveyance is independently inaccessible, the offering and availability of assistance can improve a passenger's ability to access these services.

(Submission 13)

²⁶ Federal Register of Legislation. Disability Standards for Accessible Public Transport 2002. Available <https://www.legislation.gov.au/details/f2005b01059>.

²⁷ Review of Disability Standards for Accessible Public Transport—Final Report (2009). The Allen Consulting Group. Available. https://www.infrastructure.gov.au/transport/disabilities/review/files/ACG_DTR_Report.pdf.

7.4 Accessibility of ferry and jetties

The third review received submissions that provided details concerning ferry and jetty accessibility from the following state and territory governments, transport agencies and representative organisations:

- Transport for NSW
- The Victorian Government
- TMR Qld
- Brisbane City Council

Table 11 Snapshot of data demonstrating the accessibility of ferries and jetties reported by state and territory governments (as at December 2017).

State	Snapshot of data demonstrating accessibility of ferries and jetties achieved since the Transport Standards commenced in 2002
NSW	Harbour City Ferries and Newcastle Transport currently operates 32 and 2 vessels respectively, all of which are wheelchair accessible via direct assistance. Presently 72 per cent of ferry wharves are accessible in the Sydney Ferries network. Both wharf locations in Newcastle are also fully accessible.
VIC	While no figures provided, advice put forward concerning current services.
Qld	79 per cent of the ferry fleet met the 90 per cent allocated space compliance milestone target.

Source: State government submissions to Third Transport Standards review. Available https://www.infrastructure.gov.au/transport/disabilities/third_review_public_submissions.aspx

7.4.1 New South Wales advice concerning ferry and jetty accessibility

Ferry services and fleet

Ferry customers report the highest level of customer satisfaction of any public transport mode in Sydney. Harbour City Ferries, operates Sydney Ferries servicing Sydney Harbour and Parramatta River regions. Newcastle Transport provides multimodal services including ferries in Newcastle. Between these operators, there were over 15 million Opal trips taken in 2017–18.

Harbour City Ferries and Newcastle Transport currently operates 32 and 2 vessels respectively, all of which are wheelchair accessible via direct assistance. Audio announcements and passenger information displays (PIDs) concerning stopping patterns have been installed on vessels.

Retrofitting the existing fleet to comply with the Transport Standards is prohibitively expensive and difficult to align with marine safety standards and requirements. Accessible toilets and door seals are a particular concern.

In 2017, six new compliant ferries were added to the existing Harbour City Ferries fleet and include customer amenities that have never been available before on ferry services such as bicycle storage and Wi-fi access. Design development of the new fleet involved extensive user testing by people with disability.

Concerns and challenges—Ferry wharves

Ownership of many of the commuter wharves in Sydney Harbour was transferred to the New South Wales Government in 2007 when a number of local government authorities conceded that they were unable to maintain and improve their wharf infrastructure. Upgrades to improve accessibility of ferry wharf infrastructure are provided through the Transport Access Program.

Presently 72 per cent of ferry wharves are accessible in the Sydney Ferries network. Both wharf locations in Newcastle are also fully accessible. Transport for NSW acknowledges that further planning for improving accessibility is required for wharves that are managed by transport cluster agencies but are used by private ferry operators.

Concerns and challenges—Landside and waterside ownership

Similar to buses, there are complex ownership arrangements surrounding many ferry interchanges. Landside components generally reside with local government and waterside elements are the responsibility of transport agencies and operators. While Transport for NSW is working to provide entry platforms, gangways and pontoons that are accessible by people with disability, access to wharves continues to be restricted by the steep topography of the landside connections.

Particularly in Sydney Harbour, further restrictions on landside components and solutions occur when wharves are located in areas where visual amenity would be obstructed or are part of heritage or culturally sensitive sites or part of a constrained access arrangement. In cases where agreement cannot be achieved with landowners on a solution, Transport for NSW advises that accessibility to services remains non-compliant to the Transport Standards leaving operators open to potential legal risk and delivering poor outcomes for people with disability.

Currently under the standards, unjustifiable hardship is a potential defence against discrimination. However, to date, Transport for NSW provides that no legal precedents exists to assist in defining the extent of unjustifiable hardship permitted for government transport operators and providers.

Concerns and challenges—Tidal variances

The Transport Standards assume a static environment. Unlike any other modes, ferries and wharves exist in a changeable environment which can lead to decreased accessibility.

Primarily this is due to variability of deck heights within the ferry fleet making compliance of ferry boarding gangways onto pontoons difficult in some instances. This is further affected by ferry movements impacted by wave heights and other wash. In light of these challenges, Transport for NSW calls for:

- modal specific standards to be developed for ferry wharves and ferry conveyances, and
- Part 6.5 of the Transport Standards concerning the slope of ramps connected to pontoon wharves, to be expanded to consider the effect of tidal variability on other dynamic elements of the interface between the wharf and ferry vessels.

7.4.2 Victoria advice concerning ferry and jetty accessibility

Three ferry services operate in Victoria, which are overseen by Public Transport Victoria. Each service has been able to facilitate passengers with mobility impairments and has offered direct assistance.

Western Port Ferry is a ferry service which runs from Stony Point to French Island, Phillip Island (formerly known as the French Island Ferry). The MV Naturaliste ferry has accessible toilets and easy boarding for passengers with access needs. For wheelchair access there has been a small lip to manoeuvre over the gangway of the ferry where it sits on the pier or jetty. Mobility device access to Stony Point Pier, Tankerton Pier and Cowes Jetty has been limited due to stairs on each of these piers and jetties and often related to tides. However, in some cases direct assistance has been offered.

Port Phillip Ferries offers passenger ferry services in Victoria between Portarlington on the Bellarine Peninsula and Victoria Harbour in Docklands, Melbourne, and another service between the Docklands and the city of Geelong. The services operate 365 days of the year being used by daily commuters and

leisure travellers. The ferries are able to accommodate wheelchairs and motorised scooters onboard and bathrooms have been able to facilitate some accessibility needs.

In 2011, the then Victorian Government committed \$1.4 million funding for the weekday peak hour ferry services of the Westgate Punt—a ferry service for cyclists and pedestrians, crossing the Yarra River between Spotswood to Port Melbourne. The Westgate Punt ferry service runs between Spotswood Jetty and Westgate Landing in Port Melbourne. The service contract was renewed in 2016, following a competitive tender process. The Westgate Punt service is wheelchair accessible and passengers have been able to take advantage of direct assistance offered.

7.4.3 Queensland advice concerning ferry and jetty accessibility

TMR Qld advised that the 2017 audit had a 100 per cent response covering the entire contracted fleet of 47 vessels. In terms of allocated space, only 79 per cent met the 90 per cent compliance milestone target. This was the only mode that did not meet or exceed the compliance milestone target.

Table 12 Qld Summary of 2017 Compliance Audit Results for Ferries

Transport standard	2017 target (per cent)	47 ferries (per cent)
Part 2—Access Paths	90	81
Part 3—Manoeuvring Areas	90	100
Part 4—Passing Areas	90	96
Part 6—Ramps	90	100
Part 8—Boarding	90	100
Part 9—Allocated Space	90	79
Part 10—Surfaces	100	100
Part 11—Handrails and Grabrails	100	98
Part 12—Doorways and Doors	90	100
Part 14—Stairs	90	89
Part 16—Symbols	100	79
Part 17—Signs	100	81
Part 20—Lighting	100	91
Part 21—Controls	90	79
Part 25—Payment of Fares	100	100
Part 27—Information	100	100
Part 29—Food and Drink	100	100
Part 31—Priority	100	89

This is a reduction from the audit conducted in 2012 when 92 per cent of the fleet had an allocated space. This result exceeded the then target of 55 per cent compliance. The 2017 audit result is attributed to the fact that the compliance response in 2012 was poor with only 12 vessels included in the audit. With such a small sample size in 2012, reliability of the data was limited and the results from the 2017 audit are more likely to be an accurate representation of the situation given the larger sample size.

Based on the audit results, the ferry fleet did not meet the 2017 level of compliance for nine parts of the Transport Standards (access paths, allocated space, stairs, symbols, signs, lighting, controls, belongings, priority).

New ferry contracts introduced since the second Transport Standards review include clauses that specifically refer to compliance with the Transport Standards and requirements for a Disability Action Plan to be provided.

Brisbane City Council

Brisbane City Council advised that it is well advanced in making Brisbane's public transport system accessible to all. The council's CityCat fleet is fully accessible and the monohull fleet of ferries is to be made compliant by December 2022. The council is progressing towards achieving Transport Standards compliance for the ferry terminals utilising innovative designs. Since July 2014, the council has upgraded 16 ferry terminals at a cost of \$143.3 million, to achieve compliance. This figure includes \$79.6 million in reimbursement from a flood insurance claim and from natural disaster funding following the 2011 Brisbane River flood.

Overall achievement of ferry and jetty accessibility to date

Submissions recognised that the affording of safe, stable access to people with disability is fundamental to the provision of accessible ferry services.

In light of challenges associated with operating public transport services in such a unique operational environment, a number of specific measures have been proposed by stakeholders to provide improved outcomes for operators, providers and users. Proposed changes could be included as part of a 'marine' specific section in the Transport Standards. They include:

- Expanding existing Transport Standards requirements concerning the slope of ramps connected to pontoon wharves in order to consider the effect of tidal variability on other dynamic elements of the interface between the wharf and ferry vessels.
- the need to recognise in the standards the difference between a gangplank and a boarding ramp and the defining of the maximum slope for all points along the gangplanks curvature when deployed.
- The provision of guidance concerning:
 - the installation of auto-levelling landings on ferry pontoon gangways as required, and
 - the provision of a range of alternative boarding points on ferry pontoon deck freeboards in order to provide stable access to differing vessel types.

Chapter 8: Aviation and airport accessibility

Summary of aviation and airport accessibility findings

- Within aviation, the responsibility of improving accessibility is shared between airline and airport operators.
- It is often unclear whether the airport or airline is responsible for meeting different requirements.
- There is concern that automatic ticketing and check-in, particularly touchscreen check-ins, can be problematic for some passengers.
- Access to airport staff in order to seek assistance is for some members of the disability community becoming increasingly difficult.
- Since the 2012 Review, most airlines have provided flexibility in terms of their policy concerning number of wheelchairs per flight.
- There can be confusion among airport staff concerning the rules for assistance animals, resulting in some cases in visually impaired passengers being refused boarding.

8.1 Introduction

In the five years to 2018, annual growth in Australian aviation passenger numbers was 2.4 per cent. More Australians than ever are travelling by air and accessible domestic and international air travel is integral to social mobility across the country.²⁸ However, as a growing, complex, national transport system there are specific challenges to achieving improved air transport accessibility.

This chapter concerns the details in the submissions in relation to airport and aviation services and related disability community concerns.

8.2 Requirements under the Transport Standards

These requirements apply to both the passenger aircraft and the infrastructure that supports the transport service, including airports. Meeting these requirements should facilitate people with disability being able to access bookings and information, board and disembark the aircraft, access an appropriate seat, access in-flight announcements, information and services, travel safely and transport required disability aids without incurring an excess baggage charge.

In relation to the aircraft, the Transport Standards set requirements for:

- boarding ramps or devices to assist people getting on and off the aircraft
- components of the aircraft that assist people with disability, including the type of floor surface, the placement of handrails and grabrails, the size of doorways, and the use of automatic or power-assisted door
- the provision of information on the aircraft, including safety information and announcements about arrival and departure times for delayed services
- the provision of food and drink services and toilets.

In relation to air travel infrastructure, the Transport Standards set requirements for:

- access paths, manoeuvring areas, resting points, stairs, lifts, ramps and passing areas that are used by people with disability to make their way into and around public transport infrastructure (such as airport terminals). This includes accessibility for people with a mobility impairment and people with a vision impairment
- boarding points where passengers access conveyances, including the use of boarding devices
- facilities such as waiting areas, toilets and luggage services
- booking services and purchasing of tickets
- timetables and maps
- information provided at terminals, including through signage, the use of symbols, public announcements, electronic information boards, alarms and warnings
- other components of infrastructure that impact on accessibility, including lighting, doors and doorways, the safety of ground surfaces and the use of handrails and grabrails.^{29 30}

²⁸ The review notes that this advice is pre-COVID-19.

²⁹ Federal Register of Legislation. Disability Standards for Accessible Public Transport 2002. Available <https://www.legislation.gov.au/details/f2005b01059>.

³⁰ Review of Disability Standards for Accessible Public Transport—Final Report (2009). The Allen Consulting Group. Available. https://www.infrastructure.gov.au/transport/disabilities/review/files/ACG_DTR_Report.pdf.

The Transport Standards prescribe the following Schedule 1 Part 3 requirements for aviation conveyances, infrastructure and premises as at 31 December 2017.

- 3.1 Operator/provider compliance with the relevant standards by 90 per cent of each type of service in relation to resting points, boarding, allocated space and street furniture.
- 3.2 Operators/providers compliance with the relevant standards by 90 per cent of each type of service in relation to access paths, manoeuvring areas, passing areas, ramps, doorways and doors, lifts, stairs, toilets, tactile ground surface indicators and controls.

8.3 Accessibility of aviation and airports

Aviation has distinctive elements compared to other transport modes covered under the Transport Standards. It is a largely economically deregulated sector, operated and controlled by the private sector, including international and domestic airlines and major airport operators.

Within aviation, the responsibility of improving accessibility is split between airline and airport operators working across jurisdictions.

Across the sector, services reflect the different size and nature of aircraft and airport operations. Smaller aircraft also have more limited accessibility and baggage capability, for example for specialised assistance equipment such as motorised mobility scooters and wheelchairs. A greater variety of services are available at international and major domestic airports, and from major airlines compared with regional operations. The Department of Infrastructure, Transport, Regional Development and Communications continues to engage with airports and airlines to improve these services where practical and safe.

It should also be noted that while the major federally leased airports operate under a Commonwealth legislative regime (the *Airports Act 1996*), other airports operate under state and local government planning regimes.

A general concern from multiple submissions to the third Transport Standards review is that while there has been progress since the 2012 Review, this has been nationally inconsistent and many of the overarching issues continue to impede improved accessibility. Submissions associate this with the lack of detail provided by current standards, and in turn the limited ability to measure or increase compliance by the aviation sector.

8.3.1 Key issues for aviation and airport accessibility

Wayfinding and airline information

There is concern that automatic ticketing and check-in, particularly touchscreen check-ins, can be problematic for some passengers.

Submissions noted that not all airline websites meet accessibility requirements. As discussed in other areas of this report, forcing passengers with additional assistance needs to use phone booking services that have an additional cost to web bookings, is seen as 'discriminatory in nature'. Submissions provide that there is a need for passengers to be able to communicate their requirements without incurring additional costs.

Access to airport staff in order to seek assistance is for some members of the disability community becoming increasingly difficult, with the view that there are fewer ground staff. There are also wayfinding problems in relation to check-in counters and the terminal. Blind Citizens Australia (Submission 10) stated that ideally airport personnel should meet and assist passengers with visual impairment and assist them from check-in through to boarding. This includes assistance at self check-in terminals.

Section 27.1 of the Disability Standards states that “*General information about transport services must be accessible to all passengers*” but does not specify what ‘general information’ must include. One submission suggested this could be defined to provide clarity over what should be provided.

Wheelchair access

Since the 2012 Review, most airlines have provided flexibility in terms of their policy concerning number of wheelchairs per flight. There is concern that where there is a limit of two wheelchairs, it is discriminatory and unreasonable. There are also issues about consistency of approach between airlines, extended periods of time waiting at boarding gates for boarding or transfer, and for passengers to determine which party is responsible for enabling access.

Assistance animals

Submissions state there can be confusion among airport staff concerning the rules for assistance animals, resulting in some cases in visually impaired passengers being refused boarding.

Currently, each state and territory operate their own regulatory regime for assistance animals. It is a matter for airlines to make subjective decisions on whether to permit an assistance animal on board. The development of a nationally consistent accreditation scheme for assistance animals is currently being considered by the Assistance Animals Working Group led by the Department of Social Services. The Working Group is comprised of representatives from the Department of Social Services, the Attorney-General’s Department, the National Disability Insurance Agency and all state and territory governments. The Working Group is examining the requirements in each state and territory, including inconsistencies, with a view to explore options to develop a nationally consistent approach.

An associated issue raised is access to suitable relief areas for animals. The Transport Standards are silent concerning this matter. With few exceptions, passengers are required to exit security-cleared areas with their animals to find appropriate areas for this purpose. The review acknowledges the facilities provided at Brisbane Airport (highlighted further in this chapter).

Accessible facilities

People have raised concerns relating to the segmented management of different components of typical air travel trips. It is often unclear whether the airport or airline is responsible for meeting different requirements. This makes it difficult for passengers to have their complaints rectified by the responsible party. Disabled People’s Organisations Australia (Submission 34) noted that as the Transport Standards require persons with a disability to make a complaint in order for a breach to be identified, increased equity and systemic change is inhibited. Further discussion concerning this matter can be found in Section 11.5 (pg.129) of this report.

Equivalent Access

There is general concern that the standards are not rigorous enough. Under Section 1.16 of Transport Standards, Equivalent access is:

a process, often involving the provision of direct assistance, under which an operator or provider is permitted to vary the equipment or facilities that give access to a public transport service so long as an equivalent standard of amenity, availability, comfort, convenience, dignity, price and safety is maintained.

(1) Equivalent access does not include a segregated or parallel service³¹

Section 33.4 requires the operator of a transport service to consult with passengers with a disability or representative organisations about any proposal for equivalent access. Some submissions noted that while guidelines and standards exist, these are difficult to enforce without being prescriptive. [For further discussion on Equivalent Access see Finding 11 on page 103].

Other aviation concerns

In addition to the issues outlined, a number of other aviation concerns have been raised. These included:

- Improvements at smaller, regional and remote airports continue to lag behind major airports
- There are service discrepancies between different airports and airlines and sometimes within the same airline at different airports
- Enforcing compliance and penalising non-compliance is not effective without more detailed guidelines
- The design layout of security areas is inconsistent between airports
- Movement between drop-off areas and the terminals can be the most difficult for vision-impaired visitors.

Aviation Access Forum

The Aviation Access Forum (AAF) was established in 2013 to provide advice to the Australian Government on disability access policy as well as operational and administrative issues associated with access to air services for people with disability.

The AAF also provides an ongoing opportunity for issues to be discussed and information to be exchanged between representatives of disability community organisations, the aviation industry and Australian Government agencies; including those issues identified in submissions to this review. AAF members actively engage on the progress of improving accessibility for travellers.

The current issues being discussed by the AAF include equivalent access, assistance animals, consistent terminology and service levels with airline operators and disability groups including consistency of approach to passenger facilitation and the modernisation of the Transport Standards regarding the aviation industry

Disability Access Facilitation Plans

To help improve service provision to people with disability, the AAF developed a template for Disability Access Facilitation Plans (DAFP). These plans provide information about the individual services and facilities provided by airline and airport operators to passengers with disability. Plans are intended to cover the total travel experience from making a reservation through to arriving at the intended destination.

A review of the DAFP initiative was undertaken in 2015, involving extensive public consultation with the disability community and aviation industry. Overall feedback was positive and encouraged the further development of the initiative. The Department of Infrastructure, Transport, Regional Development and Communications continues to encourage all airline and airport operators to provide updated DAFPs.

³¹ Federal Register of Legislation. Disability Standards for Accessible Public Transport 2002. Available <https://www.legislation.gov.au/details/f2005b01059>.

DAFPs have been developed by a range of domestic and international airlines, as well as over 30 airports nationally. They are updated regularly to reflect service changes and improvements are available from individual operators as well as on the Infrastructure website.³²

As at June 2021, 11 airlines, all capital city airports and 25 regional airports have published DAFPs on the Department of Infrastructure, Transport, Regional Development and Communications' website.

Best practice accessibility examples

Airport and airline operators continue to explore new measures to improve accessibility for passengers. Some of these measures demonstrate a focus of improving accessibility beyond compliance with the Transport Standards.

Animal Relief Stations

In 2018, Brisbane Airport opened the first Australian facility for assistance dogs. These are now provided in both the domestic and international terminals. As a result, passengers are not forced to exit the terminal and undergo security re-screening.

Hidden Disabilities

Another initiative by Brisbane Airport involves passengers requesting a lanyard to indicate to airport staff that extra assistance may be required. Brisbane Airport staff are trained to recognise the lanyard and be ready to offer any assistance necessary. The review sees the possible uptake of this positive initiative by other modes of public transport as way for transport personnel to meet the need of people with hidden disabilities in all transport environments, including busy bus interchanges and major rail stations.

Mobile Technology

In May 2019, Sydney Airport launched a partnership with AIRA, a service that enables visually impaired travellers to navigate the airport through a smartphone connection. The service provides passengers with instant access to the information they need to explore Sydney Airport's terminals. Sydney Airport provides free access within its terminals.

8.4 Overall achievement of aviation and airport accessibility to date

There is still a lack of data about the level of aviation compliance with the Transport Standards and measures of airline and airport service performance. There has been some improvement in disability access overall, for example in the flexibility of wheelchair access. However, submissions have indicated that there are a number of outstanding key issues around services from airports and airlines. This includes issues around wayfinding and airline information, assistance animals, accessible facilities, the rigour around equivalent access standards, access of regional and remote airports and enforcing compliance.

Chapter 9: Accessible provision of information

Summary of accessible provision of information findings

- The current standards need to be updated to reflect current and future advancements in information technology.
- Disability community submissions recognise that accessible information provision at the station, on the platform and in the conveyance have improved although not at a consistent rate or consistently across locations.

³² Department of Infrastructure, Transport, Cities and Regional Development (2019). Disability Access Facilitation Plans. Available <https://www.infrastructure.gov.au/aviation/aaf/disability.aspx>.

- For people who are blind or vision-impaired, the accessibility of public transport can serve to eliminate barriers and ensure they are able to enjoy increased mobility and social participation.
- If new and innovative technology is to provide a major part of public transport information delivery, it must be provided 'at scale' across Australia, not just for a smaller subset who are able to access its use.

9.1 Introduction

For people with disability provision of accessible information is as crucial for their journey as the accessibility of the hard public transport infrastructure. Provision of accessible information considers the complex, busy nature of public transport interchanges and needs to cater for people's varied information needs (including static and dynamic forms) through multiple means. The provision of information is a crucial part of the public transport system and is vital for enabling people with disability to complete their journey.

This chapter concerns the details in the submissions in relation to the accessibility of information, any other initiatives undertaken, associated disability community concerns and issues faced by providers and operators in endeavouring to provide accessible information services.

9.2 Requirements under the Transport Standards

The Transport Standards set standards for the accessibility of information for people with disability across all modes of transport and their entire journey.

In relation to the provision of information, the Transport Standards set requirements for:

- the accessibility of general information about transport services being accessible to all passengers,
- size and format of print on signs and information, and
- access to information about location during a public transport journey.³³

9.3 Disability community response to accessible provision of information requirements

Disability community submissions to the review advised that access to public transport information has improved.

Many BCA members are reporting that access to information in some areas for some people has improved over the last five years, particularly due to the advent of technology with maps, Global Positioning Systems (GPS), timetables and notifications about delays or changes to timetables and routes being available online or through smartphones and smartphone applications or disseminated via text messages.

(Submission 10—Blind Citizens Australia)

Although these improvements have been welcomed, submissions also advise that there appeared to be far too much reliance on providing information via smartphones and an online presence rather than using the full spectrum of accessible media formats. This over-reliance is seen to place some people with disability who do not have the financial means to purchase technology, experience limited or no access to the internet (especially in rural/regional areas), and/or who prefer low-tech formats, at a disadvantage.

³³ Federal Register of Legislation. Disability Standards for Accessible Public Transport 2002. Available <https://www.legislation.gov.au/details/f2005b01059>

There has been increased accessible information through Apps and accessible maps which makes it easier to plan ahead, however the 'on the spot' information such as announcements are still difficult and there is an expectation that everyone will have access to a smart phone, which is not correct.

(Submission 31—People with Disability WA)

Overall, submissions identified a number of areas requiring attention. These are discussed in further detail:

- Accessible information formats
- The use of smartphone apps
- Website compliance with national/international accessibility standards
- Audible announcements
- Visual announcements
- Unplanned disruptions
- Wayfinding.

Accessible information formats

All public transport information needs to be provided in multiple formats, including low-tech solutions (audible, visual, telephone, print etc.), in order to allow effective coverage to all people with disability. The range of accessible formats include:

- Audible (at premises, infrastructure and on conveyances)
- Visual (at premises, infrastructure and on conveyances)
- Online
- Smartphone
- Telephone/mobile—including access to call centres
- SMS messaging
- Print
- Easy read.

The providing of information in multiple formats in a manner that can be understood, is seen to be a fundamental requirement to enable people with disability to use public transport and participate in the life of the community.

There's a huge push to make everything online, but it doesn't always work because not everybody uses technology. Many do not know how to use smartphones, they rely on 131 500. However we got a message from 131 500 that they were going to get rid of the online service so people couldn't ring the telephone service.

(Submission 36—Australian Federation of Disability Organisations)

Given of the need for information to be provided through multiple formats, submissions called for the Transport Standards to be redrafted to specifically require public transport information to be produced in a broad range of accessible formats.

The use of smartphone apps

Smartphone apps have introduced a convenient source of comprehensive service information. All state and territory governments have developed or are in the process of developing accessible apps. However, while smartphone apps can provide a high level of access for people who are blind or vision-impaired, it is imperative that these are viewed as part of a suite of available formats for people with disability to use and are not the sole option.

Further, many people with disability cannot necessarily afford smartphones and other assistive technology. The review was advised that the majority of people who are blind or vision-impaired are retirees over the age of 65 who have limited discretionary income to spend on expensive technology.

I am totally blind and in my seventies. I am now suffering from hearing loss. I do not use smart phones or apps so need to have low-tech options to know where I am going. (BCA member, Brisbane)
(Submission 10—Blind Citizens Australia)

Website compliance with national/international accessibility standards

Submissions assert that as government and industry websites are such pivotal sources of public transport information for people with disability, they should all meet Web Content Accessibility Guidelines WCAG 2.0 AA compliance. However, this apparently is not the case in many instances and as a result, information in some locations is not fully accessible.

In view of the importance of accessible websites and the uptake of this form of technology, there is a call for directives to be incorporated into the Transport Standards stipulating that all public transport related websites conform to WCAG 2.0 AA accessibility requirements.

AS EN 301 549:2016³⁴ is the first Australian Standard concerning the procurement of accessible ICT. The ICT standard was sponsored by the Commonwealth Department of Finance to guide delivery of accessible, inclusive services for all transport and transport infrastructure users.

As this Australian Standard is intended for use by public authorities and other public sector bodies during procurement to ensure that websites, software and digital devices are more accessible—the standard should be referenced in the Transport Standards (Submission 25—Spinal Life Australia).

Audible announcements

Issues surrounding the provision of audio announcements at public transport infrastructure, premises and on conveyances were raised as part of the review although submissions concentrated on audio problems experienced on-board buses and trains.

At bus stops and train stations

Section 27.1 of the Transport Standards prescribes that all passengers must have access to information about transport services. Submissions highlighted issues surrounding the provision of announcements on platforms or in public transport buildings.

Station announcements are often unintelligible
(Submission 31—People with Disability WA)

There still unplanned or unscripted audio announcements which do not display on electronic signs nor public computer screens.
(Submission 26—Queensland Disability Network)

The audible announcements being turned off after 9pm is unacceptable and very patronising. This is not a valid argument and there has to be a compromise.
(Submission 10—Blind Citizens Australia)

³⁴ AS EN 301 549:2016 Accessibility requirements suitable for public procurement of ICT products and services

The review heard from access consultants Eric Martin & Associates (Submission 5) that there is a need to make clear in the Transport Standards that the National Construction Code requires hearing augmentation to be provided wherever inbuilt public address systems are provided. This would mean all areas of public transport facilities where speakers reach require hearing augmentation. Further, there is also a need to include audio and visual alarms to all areas so that those with sensory impairments are not discriminated against.

The Australian Federation of Disability Organisations (Submission 36) provided that if a facility or conveyance provides arrangements to amplify speech, and those arrangements use sounds to provide alerts, then parallel arrangements should be put in place to enable deaf or hearing impaired to receive the same information.

On-board conveyances

Section 27.4 of the Transport Standards prescribes that all passengers must have access to information about location. However, lack of access to information about location while travelling on buses and trains was raised in submissions from across Australia.

There is inconsistent use of announcements on buses in all states of Australia. With advances in technology, audible announcements on board all conveyances is achievable. It is an inherent right of all passengers who are blind or vision-impaired to be able to know where they are at any point in their journey.

(Submission 13—The Australian Blindness Forum).

Submissions advised that many bus operators are only utilising smartphone apps that use the bus's GPS system for destination or next stop announcements. These are not always reliable and often fail in tunnels or when buses are under overhead cover. This loss of connection may require the system to be reset, unknown to the user, with the risk that a stop is missed.

Blind Citizens Australia (Submission 10) reiterated members concerns that new technology provides a loophole for operators to avoid installing audible announcements, particularly in rural and regional areas. Operators justify not installing or using the technology by providing that if passengers already have a smartphone and GPS, there is no need for public transport to have audible announcements.

The Public Interest Advocacy Centre (PIAC—Submission 33) informed the review that many of Sydney's buses which have been purchased since the commencement of the Transport Standards, are not equipped for audible announcements. PIAC is also concerned that Sydney bus systems have begun to introduce GPS apps to be followed, rather than modifying their own infrastructure to ensure audible announcements are made on buses.

PIAC affirmed that the lack of audible announcements on buses appears to be a breach of the Transport Standards and is likely to amount to a breach of both the DDA and Anti-Discrimination Act 1977 (NSW). However, in the absence of consistent and clear reporting on compliance, it is difficult to know the extent to which buses do not comply, as well as what steps have been taken to attempt to ensure compliance.

Given of these issues, submissions call for specific directives to be inserted in the Transport Standards concerning the provision of audible information about location on conveyances.

Visual announcements

For those who are deaf or hearing impaired, the provision of visual announcement systems on public transport conveyances is critical. The Transport Standards makes it clear that all people who are deaf or hearing impaired have the same right to access information as do people with hearing.

I am unable to hear the door closing. I need to look at the light flashing on the sides to be aware of knowing the door is closing. I am dissatisfied with the announcements because deaf people have not a clue what they are saying. Hardly any signs showing inside and outside, especially at night where I cannot see the names of the stations whereas other people hear where they are.

(Submission 31—People with Disability WA)

Unplanned disruptions

The Public Transport Ombudsman (Victoria—Submission 29) highlighted that complaints concerning disruptions to service delivery have increased dramatically. Planned disruptions on the whole appeared to be managed well. However unplanned disruptions, which are not as well tolerated by the community, can have a significant impact on everyone but in particular, on the ability of people with disability to navigate the system and make alternative arrangements.

The Ombudsman observed that even when information was provided in times of unplanned disruptions, it was not always consistent across all delivery methods. For example, a train driver may make announcements about a changed service, but the on-board electronic display was not amended and showed incorrect service information.

Although unplanned disruptions are viewed as a fact of life in public transport, they are a regular cause of public transport becoming inaccessible. It is important that operators have protocols and procedures in place to ensure the provision of prompt, consistent and accurate information to all people affected.

Wayfinding

The provision of clear and consistent wayfinding is also seen as critical to the ability of passengers with vision, cognitive and intellectual disabilities to navigate public transport premises and infrastructure. In view of this need the review has heard a call for the recently developed Australian Standard specific to wayfinding, AS1428.4.2:2018 Design for access and mobility means to assist the orientation of people with vision impairment—Wayfinding signs, to be referenced in the Transport Standards.

9.4 Disability response to accessible provision of information

The provision of information in multiple formats in a manner that can be understood, is seen to be a fundamental requirement in order to enable people with disability to use public transport and participate in the life of the community.

There appears to be too much reliance on providing information via smartphones and an online presence, rather than using the full spectrum of accessible media. This over-reliance was seen to place people with disability with limited funds or internet access, especially in rural/regional areas, at a disadvantage.

As government and public transport websites are such pivotal sources of information for people with disability, they should all meet Web Content Accessibility Guidelines WCAG 2.0 AA compliance. However, information in some locations is not fully accessible. As a result, consideration should be given to including directives in the Transport Standards stipulating that all public transport related websites conform to WCAG 2.0 AA accessibility requirements. (Spinal Life Australia—Sub 25).

9.5 Government submissions concerning the provision of information

The third review received submissions that provided details concerning accessible provision of information requirements from the following state and territory governments, transport agencies and representative organisations:

- Transport for NSW
- The City of Sydney
- The Victorian Government
- TMR Qld
- Brisbane City Council
- The SA Department for Infrastructure and Transport
- Northern Territory Government.

9.5.1 New South Wales advice concerning accessible provision of information

Transport for NSW is committed to making information about transport as accessible as possible to provide the customer with end-to-end journey information.

Customer information website

The Transport for NSW customer information website for transport planning and information, transportnsw.info, conforms to Web Content Accessibility Guidelines (WCAG) 2.0.

To ensure this site meets accessibility standards, user testing is conducted with a wide range of people, covering varied accessibility needs (mobile, cognitive, auditory and visual) which helps to improve the user experience for everyone.

Maps provide a visual representation of trip plan results. Some elements on the map are not keyboard or screen reader accessible, so a text alternative is available elsewhere on the website. The transportnsw.info website also provides critical real-time information for service changes and lift outages. Customers can also get information by calling 131 500 which is also accessible to the hearing impaired through a TTY telephone service and via the National Relay Service.

Transport for NSW also provides avenues for customers to access real-time and static transport information through a variety of in-house and third-party applications (apps) and websites.

Wayfinding System

A new wayfinding system has been developed for the transport network to make it easier for customers to plan journeys, navigate the system, interchange and find their destination. Rollout of the system is occurring progressively across all modes of public transport.

Audio-Visual Messaging

Transport for NSW has made significant progress in the information provided on services and at transport precincts with the inclusion of audio-visual messaging. Further, new products and technology that assist people with disability in receiving information is being investigated and trialled.

Digital Information

Transport for NSW advises that in today's modern transport systems, operators and service providers are moving to digital, dynamic systems which are often large and display detailed information to multiple users simultaneously. While static signage continues to be relevant, particularly for persons with vision impairment that use Braille or tactile elements, the current standards do not consider more modern digital displays.

Touchscreen technology

Similar to digital technology, the application of the Transport Standards is not fully understood for new developments in touchscreen technology. Touch screens have benefits for some users, such as those with cognitive disabilities or some restricted movement however, they present barriers for other users such as people with low vision and people with very limited movement or dexterity.

Currently there is no guidance that could be adopted in ensuring equivalency across all types of disability. The development of standards that govern touchscreen technology would benefit from the clarification of legislated versus discretionary information.

Future-proofing

As technology continues to change the way customers receive transport information, it will be important for transport operators and providers to identify and demonstrate how these changes meet equivalency in a user's preferred format. Transport for NSW acknowledges that while new technology does eliminate some barriers for certain disability groups, it can adversely impact another.

Consideration also needs to be given to the introduction of new technologies that replace existing systems to ensure that disadvantage is not faced indirectly by users within the same subset. Hearing augmentation is a recent example. New technology in hearing augmentation utilising smart phone applications can deliver information wirelessly to a customer as opposed to through audio frequency induction loops. This solution offers improvements in sound quality which may be beneficial to many users, not just those with a hearing impairment.

Despite more and more customers with hearing impairments having access to smart phone devices, there is a population, particularly older people that cannot be expected to use a system reliant solely on this technology. As a transport operator, it would be expected that grandfathering of existing technologies is required until such a time as new technology is adopted by users and commonly available.

City of Sydney

The City of Sydney's Online Accessibility Map is an initiative that aims to help people with disability understand the built environment, by identifying where barriers or challenging areas exist, and plan their journey according to their own abilities. The map:

- provides information about key access features such as lifts, mobility parking, accessible public toilets, key transport nodes and barriers such as stairs and steep inclines
- allows users to select which barriers and access supports are shown on the map and determine the best route for them
- Where available, additional information such as whether there is a kerb ramp available at a taxi rank, or whether an accessible toilet is a left hand or right hand transfer toilet, is provided.

Information on the map is also available in a text list view that is compatible with e-readers, to ensure information is accessible to people who are vision-impaired or prefer text over reading maps.

The City of Sydney continues to review, update and include new and relevant data on the map and seeks opportunities to share the map and data with other organisations through open data.

9.5.2 Victoria advice concerning accessible provision of information

Metropolitan Rail

At stations, customers have seen information improvements with the installation of Passenger Information Displays (PIDs), which display real-time information about scheduled services. PIDs are available at 144 metropolitan stations across the network. City loop stations and several major interchanges such as Richmond and North Melbourne, have monitor-type PIDs that list the next three scheduled train services and arrival times. These PIDs provide visual information for customers with hearing impairments. Other locations where the dot-matrix-type PIDs are installed provide next train information including time to departure, destination and type of service (express or stopping all stations).

All station operations staff undergo training and assessment in making public announcements. Metro (Melbourne metropolitan rail operator) is also going through the process to gain Communication Access Symbol (CAS) accreditation to enable service and information messages to be better communicated to all passengers.

In consideration of online information accessibility, Metro has developed apps which give additional information to passengers concerning accessible travel, including the Metro Notify and the Stop Here applications, which give passengers with sensory disabilities another option to receive notification of their arrival at their next station straight to their smart device.

Regional Rail

At regional stations V/Line has put in place programs for professional announcement training to ensure that all announcements meet accessibility requirements, including through signposting important messages from announcements and repeating messages to passengers. All V/Line station staff are trained regarding announcement-making for passengers with specific accessibility requirements and on use of additional communications tools, such as picture boards and word cards. V/Line also received the CAS accreditation 2019-2020 and has committed to achieving this each year through its V/Line Accessibility Action Plan 2019-2022.

Trams

Increased information accessibility has been achieved through the new Vehicle Passenger Information System (VPIS) which has been installed on 75 per cent of trams on the network. The VPIS provides next on-board stop information in audio and visual formats.

To facilitate information provision at tram stops, where possible PIDs have continued to be installed at more stops, to among other things, provide next service information. The installation of mini-PIDs and train station PIDs also provide tram connection information from within a train station. Technological accessibility has also been advanced with TramTRACKER upgrades, which now ensure the app works with the voiceover software built into phones. In addition, Yarra Trams is going through the process to gain CAS accreditation.

All Public Transport Victoria (PTV) Hubs and the call centre were accredited with CAS. Complementing that accreditation, PTV has also developed and is updating a Master Style Guide and a Passenger Experience Regime, which set out guidelines and requirements for announcements to be followed by operators, ensuring accessibility and consistency.

PTV has launched a new fully accessible PTV website and is now working to integrate PTV and myki websites and Journey Planners into a single faster, accessible, more intuitive to use and more secure platform, streamlining the user experience.

PTV launched Mobile myki in March 2019, allowing passengers to touch on and off using their mobile phones. The aim of the mobile myki is to eliminate the need to use a card to access the network, which is an innovation desirable for people with disability.

9.5.3 Queensland advice concerning accessible provision of information

TransLink website

TMR Qld constantly strives to ensure that information contained on the TransLink website is accessible and compliant with relevant guidelines. In 2018 Vision Australia were engaged to review the website. Recommendations from that review were implemented and a Statement of Accessibility was distributed by Vision Australia on 31 August 2018. The TransLink website attained WCAG2.0 AA rating.

The TransLink website undergoes continual improvements and is reviewed annually and contains information about the accessibility of busway, rail and light rail stations, and CityCat terminals.

MyTransLink app

The MyTransLink app was released in 2014 and provides easier access to the TransLink Journey Planner via smart phones and tablet devices. Real-time information, was rolled out across south east Queensland in early 2015 and provides travel information in real-time via the MyTransLink app, the TransLink website, third-party apps and the TransLink contact centre.

As of September 2018, the MyTransLink app has been downloaded more than 1.2 million times, with an average of 109,539 weekly active users. The app continues to be useful for customers with disability, with features such as 'stop alarm' and 'trip announcer' to notify customers when their stop is approaching.

Since 2015, over 250 new PIDs with brighter, white, easier to read text have been upgraded at 44 key bus stations throughout the passenger transport network over the last several years, providing travel information in real-time rather than scheduled time.

The new PIDs include audio text-to-voice buttons located on the platforms to assist customers with vision impairment to identify the next bus arriving at a bus stop. The button positioning is based on easy-to-find locations, typically on the bus stop sign at the boarding point, or with the facility help phone on a station platform if a bus stop sign does not exist. These typical locations already include Tactile Ground Surface Indicators to the specific areas for customers to be able to locate the button.

Consultation with disability groups has previously assisted in government organisations developing new, more accessible and network consistent help phones at passenger transport facilities. Trial prototypes of the new help phones were initially installed at four ferry terminals and one busway station in 2015. Further developments from the trials have seen consistent looking help phones rolled out at ferry terminals and train stations, with further rollouts planned for accessible help phones at specific bus stations.

Printed Information

In September 2015, TMR Qld updated and reprinted the booklet 'Wheelchairs and Mobility Scooters—A guide for safe travel in Queensland'.

In November 2017, ticketing equipment was replaced on buses to ensure Cairns customers had access to the same level of real-time information provided across the south east Queensland network with data integrated into the Journey Planner and service tracking available using the MyTransLink app and TransLink website.

Public Transport Infrastructure Manual

Following substantial reviews from stakeholders, an updated version of the Public Transport Infrastructure Manual was released in November 2015, including enhanced layouts and accessibility for passenger transport infrastructure. The Public Transport Infrastructure Manual is provided in an accessible format and provides best practice guidance for providing public transport infrastructure, consistent stop and station layouts, and references to key design standards for practitioners who are involved in public transport planning and design.

Buranda wayfinding pilot

Insights into improving customers' experience in navigating through the Buranda bus and train stations was researched by TMR Qld using Customer Experience Lab resources. Buranda bus and train stations serve approximately 2,500 transfers, 7,650 busway and 3,500 rail passengers a week, with customers accessing Princess Alexandra Hospital, Greenslopes Private Hospital, Probation and Parole Office and the Department of Housing and Public Works.

Based on recommendations from in-field customer research, TMR Qld improved wayfinding through the installation of 13 new signs, three additional maps, as well as landscaping to improve the visibility of existing signage.

Braille and tactile text and numbers

The inclusion of braille and tactile text and graphics on existing help phone signage at King George Square Busway Station ensures the help phones are accessible for people with vision impairment, and for all customers to better understand what the help button can be used for, including for disability assistance.

Through consultation with accessibility reference groups, new bus stop blade sign braille and tactile numbers with Queensland Rail codes were recently trialled to assist vision-impaired customers to easily identify their stop and locate online bus stop information via smart phones. The trial was well received by the vision-impaired community and further rollout around Queensland is planned for future years.

Brisbane City Council

Since 2016, Brisbane City Council has worked with TMR Qld to assist with the tactile text and braille stop identification trial. To date, these braille and tactile identifier plates have been rolled out at 250 locations on the South East Queensland public transport network.

9.5.4 South Australia advice concerning accessible provision of information

The SA Department for Infrastructure and Transport introduced the MetroMate app in 2016 that provides real-time, up-to-date public transport information. The app is accessible and provides disruption alerts and journey voice notifications to passengers informing them when to get off a conveyance at their selected stop.

The SA Department for Infrastructure and Transport completed a revamp of the VIP travel pass for use by people who wanted to validate on entrance to a conveyance. This has improved accessibility for people with vision impairment.

In 2016, The SA Department for Infrastructure and Transport updated information available on the website relevant to priority seating and allocated spaces. At a similar time, work was completed to increase the numbers of stop buttons on Flexity trams in response to passenger concerns and to provide more accessibility to all travellers.

In 2017–18 The SA Department for Infrastructure and Transport approved works to complete hearing augmentation at bus stops along Grenfell Street in the City of Adelaide with the works to be completed in the 2018–19 financial year. This report notes that the proposed works were completed in early 2020.

The SA Department for Infrastructure and Transport Communications Team and Disability Discrimination Unit provide ongoing assistance and advice across the department to support compliance with a minimum of Level AA standard as per the Website Content Accessibility Guidelines.

9.5.5 Northern Territory advice concerning accessible provision of information

The Northern Territory Department of Infrastructure, Planning and Logistics advised that information for the travelling public for both the urban bus service and taxi industry has been significantly improved with the introduction of the following initiatives.

Journey Planner Application

The online Journey Planner allows a passenger to plan their bus trip around Darwin and Alice Springs. The application searches bus services by using a departure and arrival address and the day and time of travel. It allows the passenger to access available bus services, bus route maps, bus stop locations, description and estimated travel time and links back to full timetables.

Bus Tracker Application

The Northern Territory bus tracker app provides real-time information about Darwin and Alice Springs bus networks. The application allows the passengers to find the bus stop closest to the customer, see the routes that use these bus stops, search for bus stops via suburb, number or name, view the next eight scheduled departures from a bus stop with a real-time forecast of when the bus will depart, view the location of the bus servicing the selected route and the stops on this route and track the bus as it approaches the bus stop on a map, in real time.

Bus Interactive Voice Response system (IVR)

In 2013, the Northern Territory Government implemented an Interactive Voice Response system to allow visually impaired passengers to obtain bus timetable information. The system provides the passenger with the departure times for the next three services for the selected route of travel.

Social Media

The use of social media has increased in the last 12 months to provide another avenue to provide announcements to the travelling public.

Bus and Taxi Totems

Since 2012, the Northern Territory Government has a rolling installation program for taxi information totems at taxi ranks across the Darwin, Katherine and Alice Springs regions. The totems provide passengers information on their current location, the totem number and taxi network contact details. The totems, including the urban bus totems also have braille signage advising them of these details.

9.5.6 Australasian Railway Association (ARA) advice concerning accessible provision of information

The ARA detailed initiatives undertaken by rail operators concerning improving access to information for people with disability. Areas attended to included:

- Improved accessibility specific communication
- improved disruption management
- training of staff in the delivery of passenger announcements.

Adoption of new technology

Rail operators have also adopted new forms of accessible information delivery to people with disability. These include:

- a range of smartphone apps
- real-time information that is continuously updated to reflect disruptions and unscheduled changes
- alternative passenger information display systems
- touch on/touch off mobile phone ability
- multi-modal online Journey Planners
- virtual tours.

Overall achievement of the provision of accessible information to date

Information technology has undergone significant advancement since the drafting of the Transport Standards commenced in 1994 and there is general agreement among governments, industry and the disability community that the current standards need to be updated to reflect current and future advancements.

Disability community submissions recognise that accessible information provision at the station, on the platform and in the conveyance have improved although not at a consistent rate or consistently across location. For people who are blind or vision-impaired, the accessibility of public transport can serve to eliminate barriers and ensure they are able to enjoy increased mobility and social participation, including increased opportunities for education and employment. Accordingly, public transport should always ensure that visual announcements via screens are accompanied by audio announcements. (Submission 10—Blind Citizens Australia).

Possible amendments for consideration:

- Amend the Transport Standards to require providers and operators to use a range of both low-tech and high-tech accessible information formats, rather than just solely rely upon high-tech formats such as smartphones and apps
- Take into consideration the requirements for digital signage, displays and information/assistance help points
- Provide greater guidance in the Transport Standards regarding minimal access requirements for touchscreen technology
- Clarify the definition of 'general information about transport services' cited in Part 27.1 of the Transport Standards to provide guidance between service critical versus discretionary information
- Continue to monitor developments in digital technologies, including blue tooth and GPS, and consider the inclusion of access to information for online and digital platform as part of the Transport Standards
- Require providers and operators to use the Australian Standards for Accessibility requirements suitable for public procurement of ICT products and services
- The Transport Standards incorporate a requirement for operators and providers that already use technology to provide accessible real-time information about services and disruptions that impact on people with disability, to better manage and plan travel, and
- Consider referencing AS1428.4.2:2018 Design for access and mobility means to assist the orientation of people with vision impairment—Wayfinding signs.

Part C: The efficiency and effectiveness of the Transport Standards

Chapter 10: Effectiveness of the Transport Standards

As required by the Terms of Reference this review has to assess the efficiency and effectiveness of the Transport Standards, and to determine if discrimination has been removed according to the compliance requirements set out in Schedule 1 of the Transport Standards.

This chapter considers findings surrounding the effectiveness of the Transport Standards in terms of:

- the extent to which the standards have removed discrimination for people with disability in accessing public transport as at 31 December 2017
- the current regulatory approach adopted and whether it is the most effective approach to meet the objectives of the standards
- the current coverage and whether all existing public transport services are included under the scope of the standards.

10.1 Removing discrimination

State and territory governments have provided details to this review concerning whether compliance targets have been met or whether accessibility has improved. A small number of local government organisations and industry bodies have also provided submissions.

Unfortunately, the information provided varies to such an extent as to not allow a national ‘picture’ of compliance with the Transport Standards to be developed. As a result, only limited compliance assessment can be undertaken, possibly on a modal or location specific basis. Given of these constraints, the following can be determined from the submissions provided.

Finding 1

Public transport conveyances, infrastructure and premises are being upgraded, retrofitted or replaced, and providers and operators are moving towards meeting Transport Standards compliance requirements, although not at the same rate and within the prescribed timeframes.

The largely qualitative advice provided by state and territory governments indicates that substantial efforts are being made to make public transport services increasingly accessible, especially in metropolitan areas. Public transport conveyances, infrastructure and premises are being upgraded, retrofitted or replaced to ensure compliance with the Transport Standards, although not at the same rate and within the prescribed timeframes.

Disability community recognition

Disability community submissions note that the accessibility of public transport has improved since the 2012 Review.

Broadly speaking, public transport accessibility has improved, incrementally, since the last Transport Standards review.

(Submission 34—Disabled People’s Organisations Australia)

Blind Citizens Australia’s overarching view is that accessibility to public transport has improved in some areas in Australia since the 2012 Review.

(Submission 10—Blind Citizens Australia)

Our 2018 survey showed that respondents are now using buses more than trains, which may be a result of the introduction of the accessible bus fleets, improved access and supports, and the National Disability Insurance Scheme rollout.

(Submission 31—People with Disability Western Australia)

State and territory governments have strived to meet the December 2017 compliance targets and increase the accessibility of their public transport systems. This is despite endeavouring to address what has likely been the most difficult phase of the compliance process. This was previously flagged in the 2012 Review report where government submissions indicated that meeting the 2017 targets may be difficult unless significant resources were found at that time. These concerns especially came from governments possessing larger transport systems comprising heritage and ‘legacy’ assets that required extensive upgrading and investment. Disability submissions recognise these broad improvements while also highlighting failures and areas requiring specific attention.

Finding 2

It is unlikely that services and infrastructure in most jurisdictions will be 100 per cent compliant with the 2022 legislated requirements.

The infrastructure audit undertaken by Infrastructure Australia and released in August 2019 reports that it is unlikely that (public transport) services and infrastructure in most jurisdictions will be fully compliant with legislated requirements in the Transport Standards within the mandated timeframe.³⁵ The table below details the proportion of accessible transport by mode according to *An Assessment of Australia’s Future Infrastructure Needs. The Australian Infrastructure Audit 2019*. The report provides that progress against the Transport Standards is possibly even worse than the data suggest, however information is not available for numerous types of infrastructure in different jurisdictions.

Table 13 Accessibility of key transport infrastructure according to the infrastructure audit completed in 2019 by Infrastructure Australia

Jurisdiction	Mode	Percentage accessible	Year
New South Wales	Railway stations	53.7 per cent	2018
Victoria	Tram stops	22 per cent	2018
Victoria	Trams	24 per cent	2018
Western Australia	Railway stations	53 per cent	2018
Tasmania	Bus stops	37.5 per cent	2017

Source: Infrastructure Australia (2019). *An Assessment of Australia’s Future Infrastructure Needs. The Australian Infrastructure Audit 2019*.³⁶ Note: Infrastructure Australia has advised that this is not presented as a comprehensive view, as not all jurisdictions publicly publish their progress.

³⁵ Infrastructure Australia (2019). *An Assessment of Australia’s Future Infrastructure Needs. The Australian Infrastructure Audit 2019*. p.320. Available <https://www.infrastructureaustralia.gov.au/sites/default/files/2019-08/Australian%20Infrastructure%20Audit%202019.pdf>.

³⁶ Available <https://www.infrastructureaustralia.gov.au/sites/default/files/2019-08/Australian%20Infrastructure%20Audit%202019.pdf>

Passenger rail

As detailed in Chapter 4, the passenger rail industry asserts that since the commencement of the Transport Standard in 2002, compliance with all provisions of the standards has not been practically achievable. For this reason, the Australasian Railway Association, on behalf of its members, has sought and gained temporary exemptions from the Australian Human Rights Commission.

In consideration of the issues experienced by the passenger rail industry, the review contends that it would be hard to dispute that, on a national scale, passenger rail services have not been able to meet the 90 per cent December 2017 compliance targets. Unless these issues are addressed the passenger rail industry will not meet the 100 per cent compliance targets for rail infrastructure and premises and still not meet the 90 per cent target for trains and trams by December 2022.

Bus stops

Many local governments do not have sufficient resources to ensure that all bus stops within their jurisdiction are 100 per cent compliant by December 2022. Governments have signalled that the costs involved are substantial. The review assumes that a great number of local councils around Australia, especially those in regional and remote locations, while not providing submissions to the review, face the same challenges in achieving the 2022 target.

Finding 3

A national reporting on compliance framework is required to undertake a comprehensive and accurate national assessment of public transport accessibility.

Limited data concerning compliance by public transport providers and operators was provided as part of this review. One of the primary reasons for this situation is that the Transport Standards and the DDA contain no powers requiring mandatory provision of compliance data to the Australian Government. Some state and territory governments, as part of contractual arrangements, require contracted operators to provide Transport Standards compliance data and this may be passed on to the Australian Government in review submissions.

Some governments advised the review that the collection of data was challenging. For example, the SA Department for Infrastructure and Transport (Submission 32) ascertained that without the assistance of objective measurement tools, compliance assessment has continued to be difficult, with reporting being problematic.

Other governments advised of their internal audit processes. For example, the Victorian Government (Submission 39) informed that, through audits, PTV has established a baseline set of compliance data which is used by PTV and maintained by the operators who are responsible to keep the database up to date with upgrades and improvements.

State and territory governments decide what information should be provided as part of reviews of the Transport Standards. From the information provided, it is not possible for the Australian Government to build a detailed national picture. As the AHRC (Submission 30) advised this review:

Under Article 31 of the Convention on the Rights of Persons with Disabilities (CRPD), Australia is obligated to collect appropriate information, including statistical and research data, to enable the government to formulate and implement policies that give effect to obligations under the CRPD, including in the provision of transport.

The lack of coordinated national data gathering results in Transport Standards review reports containing largely qualitative assessment rather than detailed quantitative data which can be used to help assess the implementation of Australia's obligations.

Disability community criticism

Nearly all disability submissions raised the lack of national reporting on compliance with the Transport Standards as a key failure.

There is a lack of a detailed and comparable reporting mechanism to allow for the measuring of compliance with the Transport Standards across all jurisdictions.

(Submission 36—Australian Federation of Disability Organisations)

The Physical Disability Council of NSW would firstly like to comment on the absence of a national system of reporting on compliance. There are limited statistics to determine what improvements have been made to public transport services.

(Submission 20—Physical Disability Council of NSW)

The Public Transport Access Committee (Victoria) sees a lack of measurability as a major barrier. It is not clear which services, information and infrastructure are compliant and which are not.

(Submission 18—Public Transport Access Committee Victoria)

The AHRC raised the absence of national compliance data collection as a major issue and saw improved data collection as enabling better transparency and accountability by operators and providers. Other benefits included the ability to:

- analyse the impact of new technologies on transport accessibility (e.g. the impact of smartcards and contactless payments on people with disability)
- engage with the academic sector to ensure that large data sets on transport are properly analysed.

Submissions called for additional funding to be provided to the AHRC to enable it to provide independent oversight of reported compliance and action plans of transport operators and providers.

This would not necessarily involve comprehensive auditing, but would include targeted and systemic reviews of different aspects of reported compliance with the Transport Standards, to assist people with disability to have confidence that such reporting is accurate.

(Submission 33—Public Interest Advocacy Centre)

Other submissions called for the DDA and/or the Transport Standards to compel providers and operators to submit public transport design documents to the AHRC for public viewing prior to design finalisation. The objective of this is to ensure transparency, accountability, an opportunity for constructive feedback and, finally, to head off any need for formal complaint processes to be initiated.

In summary, the lack of a national reporting on compliance framework is a major issue that has been raised in all three Transport Standards reviews. In light of the December 2022 full compliance requirement and Australia's international obligations, this review contends that this is an issue that can no longer be put aside.

Finding 4

Regional/remote public transport services are not as accessible as services provided in metropolitan areas.

Although little quantitative data has been provided to the review concerning Transport Standards compliance in rural/regional areas, qualitative advice supports the assumption that improvements in accessibility in some areas are not occurring at the same rate as in metropolitan areas and in other areas may be wholly inadequate.

There is still substantial work to be done to ensure the right to accessible public transport for people with disability is recognised. This is particularly relevant to rural and regional areas where accessible public transport has not improved as much as metropolitan areas (if at all) and demonstrates the inconsistency of the application of the Transport Standards across Australia.

(Submission 10—Blind Citizens Australia)

Accounts concerning regional accessibility largely came from Victoria.

The Public Transport Access Committee notes the continuing divide between quality and reliability of services in metropolitan and regional areas. Australians, including Victorians, living in regional areas are reliant on infrequent, inaccessible services with fewer, if any, alternatives.

(Submission 18—Public Transport Access Committee Victoria)

Women with Disabilities Victoria (Submission 22) highlighted the lack of accessible rail and coach services in regional Victoria and recounted instances where operators paid \$500 for return WAT trips to Melbourne when accessible rail services could not be provided. At regional forums conducted by the Disability Resources Centre Victoria as part of gathering information for this review (Submission 15), it was relayed that transport options seemed to focus on getting to and from Melbourne. For those in more remote areas, the priority was transport to get to their local towns, between towns and on occasion to larger regional towns, and for many in remote areas, public transport was non-existent.

The lack of accessible public transport in remote Indigenous communities

The Australian Federation of Disability Organisations (AFDO—Submission 36) and Disabled People's Organisations Australia (Submission 34) both raised concerns about the lack of accessible public transport for remote Indigenous communities. The stark absence of transport infrastructure (let alone accessible transport) was seen to severely restrict social and economic participation.

AFDO advised that ABS data showed that Aboriginal and Torres Strait Islanders experience higher rates of disability across all age groups at almost twice the rate of non-Indigenous Australians and that Aboriginal and Torres Strait Islander children experience disability at twice the rate of non-Indigenous children. The AFDO submission (36) also raised concerns about bus services to some indigenous communities not being accessible.

Use of school buses for essential services

With fewer providers and modes of transport adequately servicing regional areas, the Physical Disability Council of NSW (Submission 20) advocated that it was crucial that people with disability use school buses and community transport services, which in many cases may be their only means of transport. However, due to limited services, it was common for people to report to the council that accessible local buses were only available for use for a short period in the late morning and early afternoon as they were prioritised for local school transport. This limited opportunity for work and study. The Disability Resources Centre Victoria (Submission 15) reiterated this concern.

In a perfect world I could catch the bus when I wanted to. I wouldn't have to leave home early in the morning and stay out until late in the day because the buses are only available for schools.

The Wellington Access and Inclusion Advisory Group (Victoria) reinforced that local bus services were crucial in connecting communities with key destinations such as health, shopping, education and access to recreational activities. School buses were seen as a valuable transport resource for rural communities and should be fully used to meet all transport needs. However, for as long as dedicated school buses continue to sit outside the Transport Standards, regional areas will not see any improvements in universal accessibility (Submission 8).

The Australian Infrastructure Audit 2019

The Australian Infrastructure Audit 2019³⁷ advised that access to transport networks and services is uneven across the country, with people who live in remote Australia or on the urban fringe, older people, those with disability, and those experiencing financial stresses being particularly disadvantaged. Australia's expansive geography and dispersed population resulted in transport networks being extensive but often poorly used, with maintenance resources spread thinly. Local governments often struggle to meet the cost of maintaining roads and airports.

Access to transport networks is most limited for people who live in remote Australia. The survival of remote communities is dependent on road and air access. However, flights to rural and remote Australia can be prohibitively expensive, and people without access to public transport usually spend more of their personal and household budgets on operating vehicles.

In view of the lack of accessible transport in regional and remote areas as compared to metropolitan areas, submissions have made a concerted call for the gap to be adequately addressed.

Finding 5

People with disability see their involvement in public transport planning and procurement processes as critical to ensuring that accessibility considerations are a primary part of the process.

A range of submissions called for people with disability to be involved in public transport planning and procurement processes to ensure that accessibility was a fundamental consideration. The Australian Federation of Disability Organisations called for the incorporation of formal Disability Impact Statements into design and procurement processes as a means to ensure community involvement (Submission 36). The Public Transport Access Committee (Victoria) highlighted both Victoria's new metropolitan trains, and the introduction of accessible adult change facilities to all five new underground stations of the Metro Tunnel in Melbourne, as examples where the involvement of people with disability throughout the process was bringing innovative solutions to the attention of decision-makers (Submission 18).

Queensland New Generation Rollingstock

The example that was most extensively highlighted in submissions concerned the procurement of New Generation Rollingstock trains in Queensland that failed to meet Transport Standards compliance requirements. As a result of Queensland disability community concerns, on 1 August 2018 the Queensland Government commenced a Commission of Inquiry. The New Generation Rollingstock Train

³⁷ Infrastructure Australia (2019). An Assessment of Australia's Future Infrastructure Needs. The Australian Infrastructure Audit 2019, p.264 Available <https://www.infrastructureaustralia.gov.au/sites/default/files/2019-08/Australian%20Infrastructure%20Audit%202019.pdf>

Commission of Inquiry examined the circumstances leading up to and including the planning, design and construction of the new non-compliant rollingstock.

In the resulting final report released on 10 December 2018, Commissioner Michael Forde found that the procurement process had requested non-compliant trains and the contract was awarded on the basis of non-compliant designs. The design process did not effectively manage or resolve the non-compliances.³⁸

Key issues included:

- the decision to require only one toilet on each train
- a lack of expert knowledge concerning disability legislation and the failure to formally engage an accessibility expert
- the project team not advising senior decision-makers of compliance issues
- the absence of early, genuine consultation with the disability community.

The final inquiry report outlined a range of reforms aimed at ensuring that consultation with the disability community and compliance with the DDA and Transport Standards was made a fundamental and integral part of all Queensland Government procurement projects and major rail projects into the future. The Queensland Government accepted all 24 recommendations of the report in addition to steps already undertaken including:

- a requirement for all procurement contracts to include an explicit obligation to comply with the DDA and Transport Standards
- the appointment of disability advocates to the industry advisory groups
- the creation of a new Accessible Transport Networks team with TMR Qld.³⁹

As an outcome of the Commission of Inquiry the review has heard a national call from disability community organisations for mandatory sector engagement in public transport planning and procurement processes. This is designed to be not just a process for avoiding costly mistakes, but as one where meaningful co-design will lead to positive outcomes for all parties concerned.

Following the inquiry, the Queensland Government instigated the New Generation Rollingstock accessibility upgrade project. For further discussion, see Finding 11 (page 103).

Finding 6

Inadequate information provision is a major issue experienced by people with disability in endeavouring to use public transport.

Inadequate information provision is a major issue experienced by people with disability in endeavouring to use public transport.

While new technology does eliminate some barriers for certain disability groups, adverse impacts also need to be considered, including the need to ensure that disadvantage is not faced indirectly by users within the same subset.⁴⁰

³⁸ New Generation Rollingstock Train Commission of Inquiry (2018). Final Report. Available <https://www.traininquiryngtr.qld.gov.au/assets/custom/docs/coi-final-report-2018.pdf> p.5

³⁹ Queensland Government's response to the New Generation Rollingstock Train Commission of Inquiry Report (2018). Available <https://www.traininquiryngtr.qld.gov.au/assets/custom/docs/government-response-to-final-report.pdf> p.1

⁴⁰ Transport for NSW presentation to the Rail Accessibility Forum, Melbourne, 13 August 2019

The review has heard a widespread call that public transport information needs to be provided in both low-tech and high-tech formats and that operators and providers cannot just rely upon people with disability to uptake smartphone applications and access online services as the sole means to accessing public transport information. This issue is discussed in further detail in Chapter 9 (page 81).

Finding 7

A lack of understanding by public transport staff will result in people with disability not using public transport.

Recognised improvements

Submissions informed the review that many public transport employees, platform staff and call centre/booking staff are competent and courteous.

Individuals shared positive examples of empathetic and exemplary service from transport staff whilst using public transport. Several people expressed appreciation for bus and commercial passenger vehicle drivers who provided reliable, caring and thoughtful assistance, particularly in rural areas, where drivers have developed an understanding of the requirements of their regular passengers. The behaviour of such operators has a knock-on effect, not only reducing anxiety about public transport use, but fostering an attitude of inclusion and human value. It could be as simple as people feeling assured that the transport will arrive on time or that a bus driver would wait for passengers to be seated before taking off.

(Submission 15—Disability Resources Centre Victoria)

Women with Disabilities Victoria (Submission 22) stated that over recent years, as a result of disability awareness training, there had been significant changes in frontline staff attitudes towards people with vision impairment and an associated improvement when engaging with staff to book and purchase tickets.

Government submissions provided details on initiatives undertaken to ensure that public transport staff underwent disability awareness training. The SA Department for Infrastructure and Transport (Submission 32) relayed that training of staff in addressing disability discrimination and appropriate customer service skills is ongoing and an inherent aspect of service delivery, especially for staff with direct customer contact.

The Victorian Department of Transport (Submission 39) provided details on the Travelling in the Shoes of Others workshop aimed at giving transport partners the opportunity to experience travelling on the public transport network with a simulated visual or mobility impairment. The workshop inspires and enables staff to consider what role they can play in their own work to help ensure that the public transport network is accessible to all.

A number of governments have also initiated Try Before You Ride programs designed to help participants boost their confidence in the public transport system.⁴¹

Persistent concerns

Issues surrounding the interaction of public transport staff with people with disability and the need for staff training still persist.

Anecdotal accounts of people refusing to travel on particular modes of transport due to poor or careless performance by staff are common. The services may be accessible, but the performance of staff has created a disincentive to use it.

(Submission 4—McPherson)

⁴¹ Victorian Department of Transport presentation to the Rail Accessibility Forum, Melbourne, 13 August 2019

Submissions reported that some train and bus drivers express frustration or even aggression when assisting with access ramps, and in some cases involving hidden disabilities, personnel have suggested that passengers did not look disabled and therefore did not require assistance. These concerns had been previously raised in the first and second Transport Standards reviews.

The Whole Journey guide released by the Department of Infrastructure, Transport, Regional Development and Communications in December 2017 highlighted that access to customer service staff is very important to people with disability.

There are examples in retail and banking where customer service has shifted to a proactive, concierge model where customers are offered individualised service at the start of their interaction, rather than people just seeking customer service staff when they have an issue. This may involve training frontline staff to enhance understanding of respectful service, together with an understanding of the broad range of disability that they may come across in their daily transport roles.⁴²

The Victorian Public Transport Ombudsman (Submission 29) advised that accessible infrastructure does not always guarantee an accessible travelling experience, which is why the whole-of-journey approach is so important. All staff need to see accessibility as their concern and be empowered to respond accordingly when issues arise (see ‘Helen’s story’).

Helen’s story—a current systemic enquiry

The Victorian Public Transport Ombudsman received a complaint from a teacher travelling with several people with disability who required assistance to board the train. Passengers requiring assistance to board are instructed to wait near where the front carriage will stop, so they can receive assistance from the driver and a ramp can be deployed if necessary.

The group had been waiting in the correct position, but were not aware that they had arrived during the reversal of service, and the next train would be travelling in the opposite direction. When the train arrived they realised it was travelling the other way and they needed to board at the other end of the platform. The Ombudsman looked at CCTV footage of the incident which showed the group travelling along the platform alongside the train, with several members of the group clearly requiring a ramp to board. The train departed before they were able to reach the first carriage.

During the investigation the Ombudsman noted that there were a number of operator staff on the platform performing various duties while the group assembled at the wrong end of the platform, and during the time they tried to catch the train. Among the issues the Ombudsman considered was whether there were touch points when staff could have taken the initiative to provide assistance.

Submissions have suggested the importance of disability awareness training for staff, with one (Submission 4) suggesting that it be given the same priority as occupational health and safety training and formally sit within the Transport Standards. The involvement of people with disability in such training was seen to be not only beneficial, but integral.

⁴² Department of Infrastructure, Transport, Regional Development and Communications (2017). The Whole Journey: A guide for thinking beyond compliance to create accessible public transport journeys. Available https://www.infrastructure.gov.au/transport/disabilities/whole-journey/files/whole_of_journey_guide.pdf

Finding 8

Rail platform access issues are preventing people with disability undertaking successful journeys by rail.

Ongoing issues surrounding access to rail and tram platforms, mainly at legacy sites, were highlighted in submissions. Lift breakdowns and steep ramps (or no ramps) constituted major barriers to successful rail travel by people with disability. The review notes that governments are making substantial efforts in metropolitan areas to upgrade legacy infrastructure, although, as indicated earlier, unlikely at the pace required to meet the 2022 Transport Standards compliance milestones.

10.1.1 Summary—Removing discrimination

The purpose of the Transport Standards is to enable public transport operators and providers to remove discrimination against people with disability from public transport services. Submissions to this review confirm that this is occurring although not at the same rate or the same consistency according to mode or location. It is clear that improvements are taking place in relation to metropolitan systems while the lack of data prohibits any regional/remote view to be developed.

While improvements are recognised, people with disability and representative organisations have highlighted areas where ongoing issues are continuing to impact their ability to undertake successful public transport journeys. A number of these issues will be addressed in Chapter 12.

10.2 The regulatory approach

The Transport Standards are predominantly prescriptive in nature. The 1999 Regulation Impact Statement (RIS) undertaken by the Attorney-General's Department to assess potential options to provide public transport accessibility noted that a clear advantage of prescriptive standards is that they provide a large degree of certainty for industry and consumers who need to know what actions would be regarded as compliant behaviour under the DDA.

The RIS also noted that a potential shortcoming of standards is that they can be inflexible, thereby imposing higher costs and requiring constant updating to keep them in line with technological developments.⁴³ The call to modernise the Transport Standards (as discussed in Chapter 3 of this report), was seen by governments, operators and providers as a way of increasing the flexibility of the standards as they had not been updated since 2004.

Government, industry and disability community submissions have called for work to be undertaken and changes made in order to ensure the regulatory approach of the Transport Standards meets the current and future needs of the community.

Finding 9

The Transport Standards need to be modernised to meet the current and future needs of the community.

Government and industry submissions to this review reiterated calls to the 2012 Review in again appealing for the Transport Standards to undergo modernisation. Reasons include the need to:

- Develop specific modal standards as each transport mode has differing limitations and is subject to other industry-based standards, including safety.

⁴³ Regulation Impact Statement on Draft Disability Standards for Accessible Public Transport. Canberra, January 1999

- Ascertain realistic specifications and remove standards that are not feasible to comply with due to the nature of transport environments, especially the rail environment where many of the current standards cannot be implemented within the physical constraints of older rollingstock and legacy rail stations.
- Change the current prescriptive approach and develop clear performance guidance to assist providers and operators in finding nationally consistent, innovative and flexible solutions that can be applied in areas that have constraints and community expectations.
- Articulate the design functional outcomes within the standards without the need to reference specific Australian standards. This would not only make the requirements of the standards more accessible for disability stakeholders but also assist providers and operators to fully understand and implement requirements.
- Consider technological innovations that are changing the way transport services are delivered and were not anticipated when the Transport Standards were drafted in the mid-1990s.

The regulatory approach of the standards has brought about increased accessibility across public transport systems. However, there is a need to ensure the standards are functional, reflect technological advances and continue to place the removal of discrimination against people with disability at the centre of any changes.

Finding 10

The granting of repeated temporary exemptions has caused concern to people with disability.

The AHRC has the power to grant temporary exemptions under Section 55 of the DDA and Part 33A of the Transport Standards for a maximum of five years. Since the introduction of the standards in 2002 the AHRC has reviewed and provided decisions in relation to numerous temporary exemption applications.

Examples of exemption processes that have led to beneficial outcomes include the granting of an exemption to Brisbane City Council following damage sustained to ferry terminals in the 2011 Brisbane River floods. During the exemption period the council was able to make the required extensive repairs and resume its efforts to meet compliance milestones. (Submission 4—McPherson)

However, disability community representative organisations have raised strong concerns as part of this review concerning the temporary exemption process. Specifically, submissions provide that the granting of repeated extensions and exemptions to the Australasian Railway Association (ARA) on behalf of its members has done nothing to build confidence for the travelling public and has resulted in a stasis in compliance with the Transport Standards in many areas of the rail environment for at least a decade.

Since granting an initial five-year temporary exemption to ARA members in 2007, the AHRC granted further short-term extensions leading up to a second 5 year exemption process in 2014. Following that process the AHRC granted further five-year exemptions to members of the ARA commencing on 1 October 2015.

In response to this situation, disability community organisations call for the AHRC to take a firm approach to temporary exemption applications and not allow them to become semi-permanent.

This review acknowledges these concerns while noting that the AHRC will take a firm approach when it sees the need. In relation to the 1 October 2015 decision to grant further five-year exemptions to members of ARA, the AHRC advised in its summary report that:

Persuasive reasons would be required to justify the grant of any further exemptions, as would detailed evidence establishing both the justification for any further grant, and the impact such a grant would be likely to have on persons with disabilities.⁴⁴

The review also notes that the AHRC, after careful consideration, rejected the 2018 application for temporary exemptions by the Queensland Government in relation to the design and procurement of non-compliant rail rollingstock as discussed in this report.

Finding 11

There is a need for operators and providers to be provided greater certainty when considering alternative or 'equivalent access' solutions.

Equivalent access is achieved by compliance with the Transport Standards using methods, equipment and facilities that provide alternative means of access to the public transport service concerned (but not using separate or parallel services) with equivalence of amenity, availability, comfort, convenience, dignity, price and safety. This may include direct assistance over and above that required simply to overcome discrimination.⁴⁵

The review is aware of, and submissions have further raised, issues surrounding the use of equivalent access by public transport providers and operators. The ARA on behalf of its members called for clarity around the use of equivalent access (Submission 12). Transport for NSW (Submission 7) claims that the uncertainty associated with seeking equivalent access solutions creates significant difficulties for operators and providers. In particular, as competitive tendering is increasingly used as an 'instrument of transportation reform', operators are reluctant to take on the legal risk of seemingly 'non-compliant' assets.

Disabled People's Organisations Australia (Submission 34) agrees that industry is reluctant to explore equivalent access solutions due to the perceived risk that the outcomes may not be compliant with the Transport Standards. Unfortunately though, this reluctance may deny the development of equivalent alternatives which may be mutually acceptable to all stakeholders and actually provide a better result.

The New Generation Rollingstock accessibility upgrade project

As previously discussed under Finding 5 (page 197), in response to the outcomes of the Queensland Government Commission of Inquiry into the New Generation Rollingstock project, TMR Qld commenced an accessibility upgrade project which incorporated a comprehensive co-design engagement methodology from the outset.

- Define the issue you need to achieve compliance on.
- Confirm, through consultation, whether Transport Standards relevant specifications will provide the best outcome for passengers with a disability.

⁴⁴ Australasian Railway Association (2015). Australian Human Rights Commission notice of decision on application for temporary exemptions

⁴⁵ Federal Register of Legislation. Disability Standards for Accessible Public Transport 2002. Section 33.3. Available <https://www.legislation.gov.au/details/f2005b01059>

- Decide that Equivalent Access is the best option within the Transport Standards to achieve compliance and functionality.
- Establish the options under assessment.
- Assess the options against the assessment criteria.
- Assemble your workshop to undertake the Equivalent Access Process.
- Identify the relevant stakeholders who need to be part of the process.
- Create your assessment criteria.
- Analyse the feedback from stakeholders.
- Agree on the optimum outcome with your stakeholders' endorsement.
- Feedback the outcomes to your broader stakeholder group.
- Design your product or service.

As a result of the process, it was agreed by all parties involved that of the three possible accessible rail car configurations, the equivalent access proposal clearly provided the most functional solution for people with disability. The Transport Standards compliant model was seen as providing the least acceptable choice.

Equivalent access guidelines

In 2018 the AHRC with the support of the Department of Infrastructure, Transport, Regional Development and Communications, commenced a project to develop equivalent access guidelines.

Issues around equivalent access, as highlighted in this section, had been previously raised as part of the modernisation of the Transport Standards commenced in 2015 (see Chapter 3). The purpose of the guidelines is to:

- improve understanding about what equivalent access means under the Transport Standards
- provide practical assistance to operators and providers on how they can offer equivalent access to public transport and related infrastructure in a way that is compliant with the DDA and the Transport Standards.

The guidelines could also be of assistance to people with disability and their representative organisations and offer a potential means of promoting collaboration between all stakeholder groups.

In May 2019 the AHRC released an issues paper for discussion prior to workshops being conducted in Sydney, Melbourne, Darwin and Brisbane. In early 2020 the AHRC undertook targeted consultations with stakeholders in order to further develop and finalise the guidelines.

The final 'Guidelines: Equivalent Access under the Disability Standards for Accessible Public Transport (Cth)' were published by the AHRC on 30 July 2020.⁴⁶

⁴⁶ <https://humanrights.gov.au/our-work/disability-rights/publications/guidelines-equivalent-access-under-disability-standards>

Finding 12

The principles of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) need to continue to be enshrined in governments at all levels.

The United Nations CRPD was ratified by the Australian Government in 2008. The economic, social and cultural rights in the CRPD are subject to the principle of progressive realisation.

The AHRC advised the review (Submission 30) that many of the Articles contained within the CRPD are particularly relevant to the function of the Transport Standards and that Australia has clear obligations under the CRPD to ensure people with disability are afforded accessible transport. For example:

- article 3 requires that Australia ensures people with disability are afforded respect for individual autonomy, non-discrimination and accessibility
- article 9 further refers to the concept of accessibility and the importance of identifying and eliminating obstacles and barriers around such areas as transportation
- article 19 refers to the full inclusion and participation of people with disability living independently and being included in the community
- article 31 requires State Parties to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to obligations under the CRPD.

In referring to the CRPD, a number of submissions called for the principles and obligations to be clearly reflected in local, state and federal legislation, especially those aspects concerning decision impact assessment. The Queenslanders with Disability Network (Submission 26) called for consideration as to whether its own developed principles of rights, control, choice and inclusion could be incorporated in the Transport Standards.

- Rights: People with disability have the same right to use public transport as the rest of the community and are encouraged and supported to exercise those rights.
- Control: Where people require transport as a component of the services and supports they receive, they have a right to choose the transport provider that works best for them and for this decision to be free from conflict of interest regarding other services and supports they receive.
- Choice: People with disability can choose from a range of safe, accessible and affordable public and community transport options that best suit their needs, convenience and circumstances.
- Inclusion: Safe, accessible and affordable public transport provides pathways to independence and enables social and economic participation.

It is clear to the review that disability community organisations are dissatisfied with the lack of progress that providers and operators are making to ensure compliance with the milestones as prescribed in the Transport Standards. As a response, organisations see a need for principles and obligations to continue to be incorporated into the standards to remind public transport operators and providers of their obligations.

Finding 13

There is uncertainty in case law about whether contravention of a disability standard is unlawful.

Submissions to this review highlighted concerns around enforcement of the Transport Standards in line with the DDA. Section 32 of the DDA provides that it is unlawful to contravene a disability standard. However, the decision in *Haraksin v. Murrays Australia Limited* [No. 2] (2013) FCA 217 has created some uncertainty around the operation of the law.⁴⁷ The decision of this case highlights the challenges that exist around a potential disconnect between the Transport Standards and the DDA, and the need to ensure that discrimination can be enforced.

As the AHRC recalled, the applicant claimed that the respondent had discriminated on the ground of their disability by failing to allow a wheelchair accessible seat to be booked on a coach service. The applicant claimed, among other things, that this was in contravention of the Transport Standards. Justice Nicholas held that this claim was based on a ‘misconception as to the scope of Section 46P and Section 46PO(1) of the AHRC Act’ because ‘... non-compliance with the Transport Standards does not of itself constitute unlawful discrimination.’⁴⁸

The AHRC discerned that in arriving at this view Justice Nicholas did not refer to Section 32 of the DDA which provides that it is unlawful to contravene a disability standard, or to the definition of ‘unlawful discrimination’ in Section 3 of the AHRC Act, which specifically includes ‘acts, omissions or practices that are unlawful ... under Part 2 of the [DDA]’—which includes Section 32.⁴⁹

For this reason, the AHRC queries the conclusions reached and provides that, notwithstanding the legal correctness of the decision, there is now judicial authority for the proposition that non-compliance with the Transport Standards does not itself provide a sufficient basis for a person to lodge a complaint alleging unlawful discrimination under the AHRC Act.

This view was also supported by the Public Interest Advocacy Centre (PIAC—Submission 33) which respectfully disagreed with the decision in *Haraksin v. Murrays Australia Limited* and highlighted the need for clarity on this issue. The PIAC expressed concerns that the decision may result in complainants being required to lodge complaints claiming a breach of both the DDA and the Transport Standards. They were concerned that this would create some practical difficulties for claimants who would otherwise lodge a complaint alleging a breach of only the Transport Standards, due to the DDA containing legal requirements that do not exist in the standards.

For example, the DDA requires complainants to make an allegation of indirect or direct discrimination to show that they were treated less favourably because of their disability and grapple with concepts such as reasonable adjustments. By contrast, a complaint alleging a breach of the Transport Standards merely needs to show that the standards were not complied with.

⁴⁷ Australia Human Rights Commission (2013). Casenote: *Haraksin v Murrays Australia Ltd* (no 2) [2013] FCA 217. Available <https://www.humanrights.gov.au/our-work/legal/publications/casenote-haraksin-v-murrays-australia-ltd-no-2-2013-fca-217>

⁴⁸ Ibid

⁴⁹ Federal Register of Legislation (2019). *Disability Discrimination Act 1992*. Available <https://www.legislation.gov.au/Details/C2018C00125>

Federal Register of Legislation (2019). *Australian Human Rights Commission Act 1986*. Available <https://www.legislation.gov.au/Details/C2019C00030>

Many complaints relating to a breach of the Transport Standards will also have an aspect of direct or indirect discrimination. However, the requirement for complainants to deal with the DDA in addition to the Transport Standards when lodging a complaint would create an added hurdle for complainants who already bear a heavy burden when it comes to taking steps towards enforcing compliance with the standards.

In seeking to resolve this matter the AHRC recommended to this review that legal advice be sought about the decision in *Haraksin v. Murrays Australia Limited* as it relates to whether a breach of the Transport Standards can constitute ‘unlawful discrimination’ for the purposes of bringing a complaint under the AHRC Act. The interpretation of the law in *Haraksin v. Murrays Australia Limited* has made it unclear what is legally required to substantiate that a breach of a disability standard is unlawful, and stakeholders are seeking that the operation of the law be clarified.

10.2.1 Summary—The regulatory approach

The Transport Standards have brought about increased accessibility to public transport systems in Australia. However, they were largely drafted in the mid-1990s and require updating to reflect current technology and address those situations where they may not be providing the right outcomes. People with disability must remain at the forefront of any reform process as any reduction in effect would be perceived by people with disability as a reduction in access.

As new forms of public transport appear, standards need to be proactively developed rather than retrospectively developed following introduction. Submissions have made aware that repeated granting of exemptions does not engender confidence in the disability community. The submissions have also raised that further consideration must be given to the operation of the DDA following the decision in *Haraksin v. Murrays Australia Limited*, and in particular whether a contravention of the Transport Standards is unlawful under the DDA.

10.3 Scope of the Transport Standards

The scope of the Transport Standards determines the extent to which the standards have influence. This review was called upon to consider the possible incorporation of a number of new forms of transport under the standards.

Finding 14

The case for rideshare’s inclusion into the Transport Standards needs to be investigated and considered.

Rideshare

The Transport Standards state that the standards apply to the widest possible range of people and disabilities as defined by the DDA, and all operators and the conveyances they use to provide public transport services. The standards define a public transport service as an enterprise that conveys member of the public by, land, water and air. Taxis are included under the Transport Standards. However, it is not immediately apparent as to whether rideshare is covered. The taxi industry and disability organisations are calling for consideration to be given to amending the Transport Standards so that they reflect the structure of the modern industry.

At the time of the 2012 Review into the Transport Standards, rideshare in Australia was in its infancy. Since that time rideshare has had a significant impact on the public transport landscape. The Australian Infrastructure Audit 2019 revealed that the ridesharing service Uber was used by one in five Australians within the three months to December 2018, double the number in the same period two years prior. This increase coincided with a reduction in taxi journeys of 1.9 per cent.⁵⁰

Submissions note that the introduction of rideshare services in regional and rural areas has potential benefits for people with disability. This is particularly the case where vehicles that are fit for purpose as WATs, but are currently operated privately, would become available for hire. A part time rideshare operator supplementing their primary income with takings from fares may well be viable in areas where full-time taxi driving is not (Submission 4).

Rideshare services have the potential to deliver greater independence for people with disability who have traditionally been reliant on taxis as their primary form of transport. For example, the City of Sydney (Submission 14) welcomes any advances that provide people with disability greater dignity and independence through travel.

Rideshare provides an opportunity for increased accessibility as a part of the public transport system. Technological features of rideshare include reducing opportunity for discrimination in securing transport through automatic matching technology, VoiceOver iOS, Android TalkBack, and wireless braille display compatibility. These features provide greater accessibility for people who are blind or low-vision and for people who are deaf or hard of hearing.

However, submissions also identified that the current level of accessibility of rideshare services is an area of concern for the disability community. The growth in rideshare was also seen to be impacting the sustainability of regular taxi services and WATs, although this review was not provided any specific figures from industry.

Wheelchair Accessible Vehicles (WAV) and regular Commercial Passenger Vehicles (CPVs) are used by many as their only mode of transport, especially those in rural areas where there are no other forms of transport, and for those who find other modes of transport either time consuming, unreliable or they are not confident to travel alone. It is however an expensive way to travel, even for individuals with a Multi-Purpose Taxi Program (MPTP) card. Rideshare options were not used by many people who participated in the Project. Reasons given were that accessible services such as Uber Assist, intended to cater for people with disability, rarely has cars available when needed and people did not feel that the drivers were adequately trained or regulated.

(Submission 15—Disability Resources Centre Victoria)

The rideshare system, for example Uber, allows for better communication between the service provider and the customer. However, this is only the case when the passenger is a proficient user of apps and technology, has access to a working order Smart phone and the app is accessible ... ABF members cite cases where taxis and ride share drivers simply pass by a passenger with a guide dog, this is an obvious act of discrimination.

(Submission 13—Australian Blindness Forum)

It is critical that the national monitoring and regulation of ridesharing services is covered by the Transport Standards to ensure viability of regular taxis and WATs.

(Submission 34—Disabled People's Organisations Australia)

⁵⁰ Infrastructure Australia (2019). An Assessment of Australia's Future Infrastructure Needs. The Australian Infrastructure Audit 2019. p.280. Available <https://www.infrastructureaustralia.gov.au/sites/default/files/2019-08/Australian%20Infrastructure%20Audit%202019.pdf>.

The Australian Taxi Industry Association (ATIA -Submission 37) informed the review that market forces currently operating in the broader personalised transport sector were making it extremely difficult for taxi operators to viably sustain their commitment to support the intent of the Transport Standards to remove discrimination from public transport services. This issue was seen to be critical for mobility device users who have no other option than to use WATs for their transport. Given these concerns submissions called for rideshare to be regulated to provide a proportion of WATs equal to the proportion provided by taxi fleets. In relation to what was seen to be an appropriate proportion, submissions from Queensland advised that 20 per cent would ensure comparative coverage.

The recently published Options for Personalised Transport Green Paper states that of 3260 taxi licences in Queensland 642 are for WATs. This represents approximately 20 per cent of the fleet as WATs. Rideshare operators and companies must be obligated to ensure that the proportion of WATs in the rideshare fleet does not fall below 20 per cent, with the distribution of WATs being in this proportion in the various areas in which the rideshare operates.

(Submission 4—McPherson)

UberASSIST was recognised as a rideshare alternative while submissions noted that the service was not available in all locations and did not require vehicles to have ramps or lifts for wheelchair access (Submission 33). The Australian Infrastructure Audit 2019 noted that emerging transport operators such as UberASSIST were beginning to introduce fully wheelchair accessible services. However, disability advocates have expressed concern that such operators are not consistently subject to the same subsidy schemes or regulatory obligations as taxis, meaning there are still very few accessible rideshare options.⁵¹

Investigation and research needs to be undertaken to determine whether rideshare is, or should be, incorporated as a public transport service under the Transport Standards. The Public Interest Advocacy Centre (PIAC) advocated that rideshare services should be considered a taxi service for the purpose of the Transport Standards. As such, the PIAC recommended that the Transport Standards be amended to make it clear that rideshare services are classed as a 'taxi' for the purpose of the Transport Standards. The PIAC also advised that making such an amendment should not impose an immediate onerous obligation on rideshare providers.

Clarity required

Section 1.4 of the Transport Standards states that these Standards apply to:

The widest possible range of people and disabilities as defined by the Disability Discrimination Act 1992, and all operators and the conveyances they use to provide public transport services. They also apply to providers and supporting premises and infrastructure.

Section 1.23 of the Transport Standards defines a public transport service as an enterprise that conveys member of the public by, land, water and air. Further, although rideshare is not named when considering what conveyances are included in the Transport Standards for the purpose of providing a public transport service, Section 1.12(f) includes:

any other rollingstock, vehicle or vessel classified as public transport within its jurisdiction by regulation or administrative action of any Government in Australia.

⁵¹ Infrastructure Australia (2019). An Assessment of Australia's Future Infrastructure Needs. The Australian Infrastructure Audit 2019. p.321. Available <https://www.infrastructureaustralia.gov.au/sites/default/files/2019-08/Australian%20Infrastructure%20Audit%202019.pdf>

In the 2017 Federal Court case, "Uber B.V. v Commissioner of Taxation [2017] FCA 110", concerning whether Uber X was a taxi service in relation to the A New Tax System (Goods and Services Tax) Act 1999 (the GST Act), Justice Griffiths determined UberX services providing taxi travel for the purposes of the GST Act.

The Australian Taxi Industry Association (Submission 37), in applying the same logic and interpretation principles as Justice Griffiths used to conclude that rideshare services were encompassed within the broader term of taxi services for the GST Act, called for rideshare vehicles to be encompassed within the term 'taxis' for the Transport Standards.

The review notes that regulation surrounding rideshare and point-to-point transport in some jurisdictions does not view rideshare as a traditional form of public transport. However, in consideration of the implications of the Federal Court's findings, Section 1.4 and 1.23 of the Transport Standards and concerns raised by the disability community, the review sees a need for further investigation to be undertaken as to whether rideshare should be considered a form of public transport for the purposes of the Transport Standards.

Other issues

Other issues concerning rideshare raised by submissions included the following key areas of concern:

- **Booking and payment methods.** In view of the taxi industry allowing booking via websites, telephone or smartphone apps, submissions called for rideshare services to also allow booking using a range of methods. Additionally, the limiting of payment options to either smartphone or credit card payment options was seen to exclude people with disability, especially people who are blind or vision-impaired who are currently able to easily pay taxi fares by more traditional methods. Governments were called upon to ensure that new and emerging industries respect and enhance the rights of people with disability and that ride sourcing apps comply with disability standards.
- **Assistance animals.** New ways of providing public transport such as ridesharing were seen to have had mixed success for people who are blind or vision impaired. Some found rideshare services to provide a more positive experience than taxis, but most people who are blind or vision-impaired raised concerns about the lack of regulation. Instances where rideshare drivers refused to drive people with guide dogs were highlighted in a number of submissions. Members of the Australian Blindness Forum (Submission 13) cited cases where taxis and rideshare drivers simply pass by a passenger with a guide dog. Refusal of service is in itself a traumatic and confronting experience, exacerbated by the difficulty obtaining the relevant details required to report the refusal.
- **Training.** There was a recognised need for all rideshare drivers to be obliged to complete disability awareness training and disability customer service training prior to authorisation, and that refresher courses be undertaken to maintain such authorisation. Many disabilities are hidden or not immediately apparent. Not all people with mobility impairments use wheelchairs and not all people with vision impairments use canes or guide dogs. People who are deaf or hearing impaired, have low vision, or who have cognitive or intellectual disabilities are usually indistinguishable from any other community member. Their customer service needs still need to be recognised, and only with adequate training can taxi or rideshare drivers be reasonably expected to deliver this (Submission 4).

The case for rideshare to be included under the Transport Standards needs to be carefully considered, with regulation surrounding rideshare and point-to-point transport in some jurisdictions not perceiving rideshare as a traditional form of public transport. As part of these considerations, investigation should focus on both the nature of rideshare services and the potential obligations of rideshare under the Transport Standards.

Finding 15

Consideration needs to be given as to whether ‘on-demand public transport services’, ‘Mobility as a Service (MaaS)’ or other forms of new public transport that may arise need to be brought under the Transport Standards.

Since the 2012 Review report was developed in 2013–14, new forms of transport have emerged onto the public transport landscape.

On-demand public transport

Transport for NSW (Submission 7) and TMR Qld (Submission 17) both provided discussion concerning on-demand public transport. Although not currently included under the Transport Standards, possible inclusion of new forms of public transport needs to be considered.

Infrastructure Australia, in its Outer Urban Public Transport report in October 2018, noted that the growing popularity of on-demand transport is part of a trend of increasing personalisation of services through the application of technology and that use of on-demand transport will continue to become more attractive as communications technology improves.⁵²

Infrastructure Australia further sees on-demand transport as ideal for low-density, low-demand areas, as journeys are optimised between locations to reduce travel times and operating costs. On-demand transport means operators can respond to demand, providing a tailored door-to-door/door-to-interchange service and could potentially be provided at lower costs than traditional public transport in areas where demand is too low to justify fixed-route services. Operators can also run smaller vehicles that are deployed when demand is sufficient, meaning they could be more cost efficient than traditional modes of delivery.

Transport for NSW sees the complexity of applying the existing Transport Standards to on-demand public transport services as the variance in use of low occupancy road vehicles such as small buses, vans or cars. Under the current standards, flexible and demand-responsive services may be covered under the current definition of a conveyance (Section 1.12(f)) which includes:

... any other rollingstock, vehicle or vessel classified as public transport within its jurisdiction by regulation or administrative action of any Government in Australia.⁵³

Transport for NSW notes that reliance on this clause may lead to different requirements for accessibility depending on state regulation and legislation. Alternately, this type of service may be consistent with the current definition of ‘dial-a-ride-services’ (Section 1.14) and are referenced only in respect of requirements for Part 28 Booked Services.

As the main objective of on-demand services is to deliver smarter transport options and to find efficiencies in poorly used route services, Transport for NSW raises that it will be important to consider the minimum accessibility requirements for this mode. Potentially, consideration could be given to defining the term ‘accessible vehicle’. Equivalency should be measured through ensuring that a vehicle that is booked is fit for purpose with a comparable standard of amenity, availability, comfort, convenience, dignity, price and safety (Transport Standards Section 33.3 Equivalent access).

⁵² Infrastructure Australia (2018). Outer Urban Public Transport—Improving accessibility in lower-density areas. p.57. Available https://www.infrastructureaustralia.gov.au/sites/default/files/2019-07/outer-urban-public-transport_web_fa_low_res.pdf.

⁵³ Federal Register of Legislation. Disability Standards for Accessible Public Transport 2002. Available <https://www.legislation.gov.au/details/f2005b01059>.

On-demand transport is not new to Australia

Regional and outback South Australia has been a quiet Australian pioneer of demand-responsive transport. Dial-a-ride services have been provided in many townships for more than a decade, and they service key locations, including health and social services, and commercial precincts.

Dial-a-ride services operate under a range of business models and have demonstrated capability to operate with a commercial return, without government subsidy. Fares for these services can carry a premium on less flexible timetabled, fixed-route public transport, however they offer an alternative to car ownership for people in low-density areas. For instance, Murray Bridge Dial-a-Ride operates pre-booked, or Hail-a-Ride, services within the township area of Murray Bridge. The service provides pick-up and set-down from specific locations at set times with an hourly frequency, with full fare on these services priced around \$11.60.⁵⁴

Mobility as a Service (MaaS)

TMR Qld, Transport for NSW and Queensland Advocacy Incorporated raised discussion concerning the new concept of MaaS which is the combination of transport services utilising private and public transport for end-to-end journey decision-making for users.

Mobility as a Service accounts for door-to-door journeys

MaaS represents a shift away from personally owned transport towards mobility solutions that are consumed as a service, through either 'pay-as-you-go' or periodic subscription business models. MaaS aims to allow the user to purchase from a variety of mobility options to best suit their needs, using a digital application, such as a smartphone app. A well-designed and implemented MaaS scheme can save consumers costs and provide an alternative to personal car ownership.

Under the ideal MaaS model, travellers access real-time information on how to get to their destination, by whichever mode or combination of modes is most efficient and affordable, and then use the same interface to book and access preferred services. MaaS aims to bring together private and public operators to allow seamless travel and to better match supply to demand.

As such, MaaS could be a useful tool for public transport providers that are increasingly looking towards on-demand and multimodal transport solutions to help expand the reach of their public transport networks, and fulfil the first and last mile transport needs of passengers. The impacts of MaaS could be accelerated and multiplied when coupled with other emerging technologies, particularly automated vehicles.

Elements of MaaS already exist in Australia, but no jurisdiction offers a single common framework within which a range of private sector actors can work together to coordinate all multimodal travel choices. Awareness of the potential benefits of MaaS is increasing. The Queensland Government has established a MaaS project office and government bodies have called for consideration of MaaS in future transport planning.⁵⁵

⁵⁴ Infrastructure Australia (2018). Outer Urban Public Transport—Improving accessibility in lower-density areas. p.58. Available <https://www.infrastructureaustralia.gov.au/sites/default/files/2019-07/outer-urban-public-transport-web-fa-low-res.pdf>

⁵⁵ Infrastructure Australia (2019). An Assessment of Australia's Future Infrastructure Needs. The Australian Infrastructure Audit 2019. p.280. Available <https://www.infrastructureaustralia.gov.au/sites/default/files/2019-08/Australian%20Infrastructure%20Audit%202019.pdf>

Transport for NSW (Submission 7) advised that despite customer benefits in providing more transport options, MaaS' introduction poses more complex issues in ensuring payment and booking platforms remain accessible, that conveyances meet the needs of people with disability and that this model does not preclude people with disability from access to these new service offerings for socio-economic reasons.

As MaaS is a multimodal service offering, there is a potential risk that these services will not be defined under the traditional public transport model. It will be important to consider the accessibility of any associated mobility technology alongside the regulation of accessibility of transport. In consideration of these issues, Transport for NSW called for guidance on MaaS to be included as part of further Transport Standards modernisation processes.

Queensland Advocacy Incorporated (QAI), in considering the emergence of MaaS, provided that for whatever new 'artificial intelligence' are created for transport purposes, they must be guided by principles that first 'do no harm' and second 'enhance humanity'. As an effect of the uptake of new transport technologies, QAI saw that demand for kerbside standing zones would increase and kerbside arrangements will need to be re-assigned. Challenges faced by taxi and rideshare operators when dropping off or picking up passengers in city CBDs were noted. QAI ascertained that these challenges are more acute when the passenger is a person with a mobility impairment who may move more slowly or rely on a third party for assistance (Submission 21).

Quiet (electric) vehicles

In recent years, silent or near-silent vehicles such as hybrid electric cars have become more commonplace. This trend has extended to electric public transport conveyances such as buses and trams. Although it is expected that uptake of silent vehicles will continue to increase, the 'silent' aspect of this form of transport has raised some concerns. Blind Citizens Australia (Submission 10) advised that the increase in uptake is of great concern to people who are blind, or vision-impaired around the world because it increases the safety hazards already present in pedestrian and public transport travel.

At the moment, a person who is blind or vision-impaired can usually hear a bus or tram approaching because of the noise its engine makes. This means that even if there are no other safety precautions such as audio-tactile crossing indicators, someone who is blind or vision-impaired can cross a road independently and be relatively assured of their safety. If vehicles become silent, this will no longer be the case. In 2020, a NSW government inquiry found that 35 per cent of respondents reported having experienced either a collision or near-collision with an electric vehicle⁵⁶.

Blind Citizens Australia raised that the World Blind Union (WBU) has within its 2017–2020 Work Plan a specific initiative relating to silent cars. It states that the WBU will "Continue our advocacy efforts to ensure that our safety concerns regarding silent cars are addressed effectively". Essentially, the WBU is calling for specified classes of quiet vehicles to be equipped with a sound device to alert surrounding passengers and pedestrians of their presence.

In consideration of this issue, Blind Citizens Australia has called for considerations concerning quiet vehicles to be incorporated under the Transport Standards to necessitate that this does not become another safety hazard for people who are blind or vision-impaired.

⁵⁶ abc.net.au, Electric vehicles pose threat to vision-impaired people, NSW inquiry told, 21 February 2020

Current Australian requirements

The Australian Government participates in the United Nations World for the Harmonisation of Vehicle Regulations, which in 2016 adopted a new United Nations regulation: United Nations Regulation 138, for quiet road transport vehicles. This includes an internationally agreed set of requirements for sound emitting devices on hybrid and electric cars. In line with its obligations under the United Nations 1958 Agreement concerning the adoption of uniform standards and recognition of approvals, Australia has formally committed to the United Nations to accept systems in vehicles that meet this regulation for use in Australia.

The Department of Infrastructure, Transport, Regional Development and Communications is currently working to ensure that the Australian Design Rules (ADRs) for vehicles allow for this. In December 2018, the Australian Government agreed to consider mandating United Nations Regulation 138 under an ADR and supplementary to the Vehicle Safety Standards ADR work program.

The department has also undertaken consultation with Vision Australia and the peak Australian automotive industry body, the Federal Chamber of Automotive Industries, and is now preparing a regulation impact statement. Separate to this, some state and territory governments are working within specific communities in requiring sound emitting devices as part of each of their electric vehicle policies.

Finding 16

Government considerations surrounding emerging autonomous vehicles need to incorporate accessibility considerations from the outset rather than as a retrospective reaction.

Transport is undergoing and will continue to undergo major innovative changes in the near future. As Queensland Advocacy Incorporated advised this review, innovation brings wonderful benefits to people with and without disabilities alike. However, there are also challenges to be overcome.

The Guardian Online recently reported in the UK, buses and taxis will lead a self-driving public transport push. All very high-tech but not a word on how people will hail, alight or access these buses and taxis. Direct assistance at boarding / alighting will not be possible unless the units are crewed with a customer service operator. Regrettably, these innovations are streaking ahead of the legal framework that requires their accessibility. If there is no regulatory framework the innovators all too often come up with exclusionary designs, and then at great expense have to retrofit those designs for access.

(Submission 21—Queensland Advocacy Incorporated)

Since the 2012 Review, alongside the introduction of electric vehicles to the Australian vehicle fleet, the advent of automated vehicles has captured the attention of the public. On 1 December 2016 the House of Representatives announced an inquiry into the social implications of driverless vehicles. The inquiry was to focus on issues such as the social acceptance of the technology, how it might benefit Australians with limited mobility, and the potential social implications for driverless vehicles in the industrial and public transport sectors.⁵⁷

⁵⁷ Parliament of Australia (2016). Media Release—Innovation Committee launches driverless vehicles inquiry, Available https://www.aph.gov.au/Parliamentary_Business/Committees/House/Industry_Innovation_Science_and_Resources/Driverless_vehicles/Media_Releases.

As part of that inquiry, the Department of Infrastructure, Transport, Regional Development and Communications provided a submission which highlighted potential opportunities that driverless transport may offer people with disability, while also noting that governments need to strike the right balance between encouraging the uptake of the technology and ensuring that accessibility considerations are taken into account. This included issues such as:

- provision of wheelchair accessible vehicles, including methods for securing wheelchairs when a human driver is not present
- accessibility of smartphone applications, which are likely to be an essential tool for accessing automated transport
- any potential changes to urban planning to allow safe and efficient boarding for passengers with a disability, especially those using mobility devices
- appropriate licensing arrangements.
- whether existing policy approaches and incentives in the disability community should be adjusted or retargeted.⁵⁸

The resulting inquiry report was tabled in Parliament on 11 September 2017. Recommendation 6 of the report, as supported by the Australian Government in its response, called for government preparation for autonomous vehicles to include consideration of how the needs of people with disability, older Australians and those in regional and rural areas could be met via automated vehicles. The Australian Government recognised that automated vehicles have the potential to significantly improve mobility for groups that currently have difficulties accessing transport services and is conscious of the need for future deployments of automated vehicles to serve the needs of all Australians.

In its submission to this review, Transport for NSW (Submission 7) raised discussion concerning connected and automated vehicles (CAVs) which it sees as having the potential to improve accessibility to mobility for transport-disadvantaged groups, such as people with disability, older people, people who are unable or unwilling to drive, and those from low-income households.

Transport for NSW advised that it is currently trialling CAVs in a number of metropolitan and regional settings in collaboration with industry, universities and community organisations. Currently, the focus of these trials is exploring customer mobility use cases, identifying benefits for customers and the broader transport network, and assessing the regulatory and infrastructure requirements to ensure safe operations of CAVs on NSW roads.

The trials provide Transport for NSW an opportunity to work with industry and researchers to identify the right vehicle systems, design standards and customer service processes that would result in the best outcomes for accessibility and inclusion. As CAVs become more and more integrated into the NSW public transport network in the future, Transport for NSW will ensure that the design and delivery of these services continue to incorporate the broader principles of accessibility and inclusion.

⁵⁸ Parliament of Australia (2016). Submissions received by the committee. Submission 26—Department of Infrastructure and Regional Development. Available https://www.aph.gov.au/Parliamentary_Business/Committees/House/Industry_Innovation_Science_and_Resources/Driverless_vehicles/Submissions.

Finding 17

The Transport Standards Guidelines should be updated to reflect whole-of-journey considerations as well as the modernised standards.

On 1 December 2017 the Department of Infrastructure, Transport, Regional Development and Communications publicly released *The Whole Journey: A guide for thinking beyond compliance to create accessible public transport journeys*. The guide was developed following a comprehensive consultation process involving all major stakeholders and seeks to encourage policy-makers, planners, designers, builders, certifiers and operators to think beyond compliance and the physical and governance boundaries of services and infrastructure, and focus instead on people's accessibility needs across their whole journey.

Submissions to this review welcomed the development of *The Whole Journey* guide and endeavoured to ensure its use where possible.

Transport for NSW has championed the use of the guide by contractors where appropriate. The principles of whole of journey accessibility are also reflected in Transport for NSW's Disability Inclusion Action Plan 2018–2022.

(Submission 7—Transport for NSW)

Brisbane City Council welcomes this document as it clearly provides valuable guidance and direction regarding considerations relating to planning and providing accessible transport for the whole end-to-end journey.

(Submission 11—Brisbane City Council)

In consideration that the guide is not legislation and therefore does not require adherence, submissions called for the Australian Government to consider either including the guide in the Transport Standards or the Transport Standards Guidelines.

It is a Guideline, not a regulation. How then can it become the primary reference source for all stakeholders in delivering public transport and transport infrastructure outcomes that maximise social and economic outcomes for the nation?

(Submission 25—Spinal Life Australia)

The City of Sydney (Submission 14) suggested that future revisions of *The Whole Journey* guide include case studies of effective governance and management of precincts and places that interface with public transport. Best practice examples of coordinated approaches and governance would contribute to better accessibility outcomes in urban design within transport initiatives.

10.3.1 Summary—Scope of the Transport Standards

- There is a call for rideshare to be brought under the Transport Standards as it is viewed as a form of public transport.
- Consideration needs to be given to whether 'on-demand public transport services', MaaS or other forms of new public transport that may arise need to be brought under the Transport Standards.
- Plans for the emerging autonomous vehicle need to incorporate accessibility considerations from the outset rather than as a retrospective reaction.
- The Transport Standards Guidelines should be updated to reflect whole-of-journey considerations as well as the modernised standards.

Chapter 11: Efficiency of the Transport Standards

The rationale for government intervention through regulation is based on the premise of broader social benefits through greater access to services for people with disability. It is important that the cost and complexity of implementation and administration of the Transport Standards are minimised to ensure that net benefits to the community can in turn be maximised. Government, industry and disability community submissions to this review have identified a number of factors impacting on implementation and administration of the standards.

This chapter examines findings surrounding the efficiency of the implementation process for the Transport Standards by operators and providers, and associated administrative processes such as compliance and enforcement.

11.1 Cost to comply with the Transport Standards

Finding 18

Governments are undertaking significant expenditure in order to make their public transport systems increasingly accessible.

Supporting the aims and objectives of the Transport Standards involves significant costs for governments. Some submissions provided specific details concerning expenditure.

Table 14 Snapshot of data on concerning investment in accessible transport reported by state and territory governments (as at December 2017)

Submission	Snapshot of data demonstrating investment in accessible transport
Transport for NSW	<p>Transport for NSW is delivering the largest transport infrastructure program seen in Australia to date: \$51.2 billion of investment for projects such as Sydney Metro and Sydney Light Rail. In the 2018 NSW Budget the NSW Government confirmed a further \$882 million would be spent on improving access to public transport, boosting NSW's investment in public transport accessibility to \$2 billion since 2011.</p> <p>To date, over \$2 billion has been committed to the Transport Asset Program by the NSW Government with 90 per cent of all journeys now accessible. Upgrades include new lifts, escalators and ramps to stations to make it easier for people with limited mobility and parents with prams.</p> <p>In the 2018–19 Budget an additional investment in the Growth Services Program of \$15.6 million has been allocated to provide more than 2000 extra weekly bus services across NSW. A further \$1.5 billion has been allocated for bus services throughout NSW, including regional and metropolitan services, school services and funding of new and replacement buses.</p>

Submission	Snapshot of data demonstrating investment in accessible transport
TMR Qld	<p>TMR Qld Passenger Transport Infrastructure Investment Program delivers infrastructure such as new and upgraded bus stops, stations, facilities, park 'n' rides, bus priority measures, signage and wayfinding, and accessibility upgrades. The annual program value has grown to approximately \$50 million invested in improving network efficiency and reliability and improving customer access and integration.</p> <p>TMR Qld requires all replacement urban buses to be compliant with the Transport Standards. Capital funding for compliant replacement vehicles is now included as part of the contract mechanism for government contracted bus operators throughout Queensland.</p> <p>TMR Qld provides co-contribution funding grants to local governments through the Passenger Transport Accessible Infrastructure Program. The program has provided the following funding assistance to local governments since inception in 2012:</p> <ul style="list-style-type: none"> • Urban bus stops—TMR Qld has assisted local governments in upgrading nearly 10,000 urban bus stops with funding in the order of \$30 million. • Long-distance coach stops—Included in the expanded scope of Passenger Transport Accessible Infrastructure Program from 2014, TMR Qld has assisted local governments in upgrading around 30 long-distance coach stops with more than \$0.5 million in grants. • Passenger ferry terminals—Included in the expanded scope of Passenger Transport Accessible Infrastructure Program from 2014, TMR Qld has assisted local governments in upgrading two ferry terminal pontoons with funding grants of more than \$1.5 million. <p>TMR Qld continues to administer the Taxi Subsidy Scheme which provides an affordable and accessible transport option for people with disability who experience profound difficulties using other modes of public transport. Up until 30 June 2018, TMR Qld funded approximately \$8.4 million in lift payments and remains committed to the ongoing funding of this initiative.</p>
Brisbane City Council	<p>Since July 2014, Brisbane City Council has upgraded 2,100 bus stops at a cost of \$29.1 million and, since the 2011 flood, the council has upgraded 16 ferry terminals at a cost of \$143.3 million, to achieve compliance (ferry terminal figure includes \$79.6 million in reimbursement from the council's flood insurance claim and from natural disaster funding, following the 2011 flood).</p>

Source: Department of Infrastructure, Transport, Regional Development and Communications. Third Review public submissions. Available https://www.infrastructure.gov.au/transport/disabilities/third_review_public_submissions.aspx

11.2 Challenges with meeting compliance targets

Finding 19

Governments and industry are facing significant challenges in meeting the final December 2022 Transport Standards compliance milestone and making their public transport systems fully accessible.

Governments flagged to the 2012 Review that meeting the 2017 and 2022 Transport Standards compliance targets would require significant capital investment and were unlikely to be met unless substantial funding assistance was provided. This review has heard that, in relation to the 2022 compliance targets, these challenges now persist to an even greater degree.

The Transport Standards do allow for cases where the costs associated with meeting compliance requirements may be too great for some providers and operators. However, the claim of unjustifiable hardship can only be used as a defence against non-compliance once a complaint is brought against an operator or provider. The Federal Court or Federal Circuit Court of Australia determines the legitimacy of unjustifiable hardship defence.⁵⁹

Transport for NSW (Submission 7) advised that currently there is no legal precedent to assist in defining the extent of unjustifiable hardship permitted for government transport operators and providers. While efforts are directed to achieving the maximum extent of compliance possible, the lack of certainty over the interpretation of 'unjustifiable hardship' is a hindrance to decision-making on high cost capital works.

Passenger rail compliance challenges

As detailed in Chapter 4, the passenger rail industry asserts that since the commencement of the Transport Standards in October 2002, strict compliance with all of the provisions of the Transport Standards has not been practically achievable. Industry sees the Transport Standards as failing to recognise the unique operating environment of passenger rail networks and that many standards are impractical for passenger rail infrastructure and rollingstock to comply with. In addition, the prescriptive nature of the standards stifles the ability of rail operators to introduce innovative or technological alternatives that could provide the desired, or at times better, accessibility outcomes for people with disability.

The ARA (Submission 12) and Transport for NSW (Submission 7) provided details on the issues that markedly impact the ability of passenger rail operators to comply. This review also notes the findings of the Monash Institute of Railway Technology, Monash University, review of the Transport Standards and Premises Standards finalised in June 2019. Their review report provides an in-depth desktop analysis of the issues faced by the rail industry in endeavouring to comply with the Transport Standards and Premises Standards.

The rail industry has identified the systemic issues and issues surrounding individual standards:

- Legacy infrastructure and rollingstock. Australian passenger rail services first began operating in Sydney, Melbourne and Adelaide in the mid-1850s, in Brisbane in 1865 and in Perth in 1881. As a result, train and tram networks include many heritage assets that were built a considerable time before the Transport Standards introduction in 2002.

⁵⁹ Department of Infrastructure, Transport, Regional Development and Communications (2015). Review of the Disability Standards for Accessible Public Transport 2002—Final report. p.100 Available <https://www.infrastructure.gov.au/transport/disabilities/review/index.aspx>

- Patronage growth. Patronage growth on passenger rail services has required operators to keep older rollingstock in service to meet patronage levels.
- Rollingstock life. Australian passenger rail operators currently run several types of rollingstock. Rollingstock life is considerably longer than other public transport modes. As a result, the rollingstock life cycle does not allow short- and mid-term accessibility improvements, hindering compliance.
- Limitations with retrofitting. Retrofitting older, non-compliant fleets is not economically viable or, sometimes, technically feasible. Rectification cannot be achieved without impacting the body structure of the train with consequential safety risk.
- Local government and community support. Rail infrastructure upgrades are disruptive and can have a major impact on the productivity of cities, businesses and local economies. The lack of local government and community support can stop accessibility-related upgrades from occurring.
- Operational constraints. Rail industry estimates \$100 billion is being invested in rail infrastructure projects over the next decade. The once-in-a-generation works are limiting the availability of construction materials in the supply chain.
- Market capacity constraints. The significant investment currently occurring in rail around Australia has limited the available workforce to deliver projects.
- Network widths. The width of the rail corridor creates challenges for operators. Queensland and Western Australia both operate on narrow gauge networks, further exacerbating restrictions.
- Cost to make all train stations compliant at the same time. The Transport Standards require all train stations to be brought into full compliance regardless of patronage or demand for accessible services. It is not clear that the cost of providing a fully accessible station in all locations is justifiable in terms of the number of customers who would directly benefit. Options available to providers include not undertaking access mitigation works due to lack of demand, relying on unjustifiable hardship defences, or providing compliant, at-grade level crossings and minimal access works including ramps.
- Roll-on, roll-off access to trains. Reducing the gradient on platforms to within the compliant range is a priority from a customer safety perspective. However, realignment of old platforms is a significant cost necessitating a staged approach. Platform heights built to accommodate freight train requirements will continue to restrict capacity for roll-on, roll-off accessibility into the foreseeable future.
- Provision of cross corridor access at train stations. The Transport Standards, in relation to aerial cross corridor access via lifts, impose high costs in more densely populated areas.
- Circulation requirements and access pathways on platforms. In many locations compliance is restricted by the presence of heritage items on the platforms and where seats can be provided. It is not possible to provide access to every door of the train at some stations due to the narrowing of platforms and insufficient width to deploy ramps.

Table 15 Specific Transport Standards of concern to the passenger rail industry

Standard	Description
Section 4.2	Passing areas: The Transport Standards specify that a passing area must be provided at least every 6 m along any two-way access path less than 1800 mm wide. This is not always feasible on rail platforms with vertical transport such as escalators or where heritage pillars or other built structures are located.
Section 7.1	Definitions: The definitions of 'waiting areas' and 'access paths' lack clarity. The rail industry recommends that a separate definition for 'rail platforms' is incorporated in the Transport Standards.

Standard	Description
Section 8.2	Boarding points to conveyances: The Transport Standards stipulate that ‘boarding’ must be possible from ‘accessible entrances’. Section 8.2.1 has been interpreted by the AHRC as requiring access at ‘all doors’. It is noted that there is no requirement in the Transport Standards for there to be access at ‘all doors’; further, the standards contemplate that accessible facilities such as allocated spaces can be consolidated. Legacy infrastructure and multiple types of rollingstock mean all-door boarding is not always possible.
Section 9.6	Access paths—conveyances: Trains are designed and coupled together in ‘cars’. The inter-coupling of cars provides a compliance challenge for industry to meet the access path requirements. On narrow gauge services, access paths are further constrained by the finite width of cars.
Section 14.3	Stair configuration on conveyances: The stair geometry requirement for a building is not appropriate for retractable steps at railcar doors or a double deck passenger rail car where rail gauge constrains train carriage widths.
Section 15.2	Toilets: The Transport Standards specify that accessible toilets must be in the same location as other toilets. This is not always feasible with legacy infrastructure. The rail industry recommends that greater emphasis is placed on locating toilets along the accessible path of travel.
Section 20.1	Lighting: Transport Standards lighting requirements do not consider the many environments within an operating railway, including workplace health and safety and other safety requirements for train drivers and passengers, and creates a potential conflict with other existing standards.
Part 2	Access paths—premises and infrastructure: The Transport Standards require the provision of an ‘unhindered continuous accessible path of travel’ on premises and infrastructure but does not detail the extent of this path. The rail industry views this requirement as ambiguous and recommends that an access path should commence and end at the boundary of rail premises and be determined as a primary path of travel that provides access to accessible features and amenities, and designated platform boarding points.
Part 18	Tactile ground surface indicators (TGSIs): The Transport Standards require 600 mm of safety warning TGSIs. In legacy infrastructure with narrow platforms, it is difficult to achieve the required width of the access path without including part of the TGSIs width in the measurement. Industry recommends that either TGSIs can be included within the measurement of an access path or the extent of an access path on a platform extends to the designated boarding point.

Source: Department of Infrastructure, Transport, Regional Development and Communications. Third Review public submissions. Available

https://www.infrastructure.gov.au/transport/disabilities/third_review_public_submissions.aspx.

Ferry and jetty accessibility

Governments who provide ferry services raised a number of points for consideration. The Transport Standards assume a static environment. Unlike any other modes, ferries and wharves exist in a changeable environment which can lead to decreased accessibility. Primarily this is due to variability of deck heights within the ferry fleet making compliance of ferry boarding gangways onto pontoons difficult in some instances. This is further affected by ferry movements impacted by wave heights and other wash.

Retrofitting existing fleets was seen to be prohibitively expensive and the meeting of Transport Standards compliance obligations difficult to align with marine safety standards. Accessible toilets on ferries were a particular concern. Also, access to wharves continues to be restricted in many instances by the steep topography of the landside connections.

Bus stop challenges

Local governments signalled that the cost of ensuring that the immense numbers of bus stops under their responsibility are Transport Standards compliant is substantial. From the details provided, and in consideration of the same concerns expressed by Transport for NSW, the Department of State Growth Tasmania and the Bus Industry Confederation, a great number of local councils around Australia, especially those in regional and remote locations, while not providing submissions to the review, face the same challenges, especially in light of the December 2022 target of 100 per cent compliance.

Landform topography challenges

The majority of issues in relation to bus stop compliance are generated from landform topography constraints that in some cases make strict compliance to the Transport Standards not achievable. For example, a major issue is the camber of the road as it impacts on the angle of the vehicle to the footpath. Access can be limited if the curve of the road is too great, even with an accessible bus stop and accessible bus. Both the Tasmanian Department of State Growth (Submission 38) and the City of Newcastle (Submission 27) raised major concerns in providing accessible bus stops on, often heritage, steep longitudinal grade locations. The review is aware of similar issues previously raised in relation to Brisbane's topography.

Inability to achieve 2022 target

Many local governments do not have sufficient resources to bring all bus stops within their jurisdiction into compliance within the timeframes in Schedule 1 of the Transport Standards. Brisbane City Council (Submission 11) advised the review that while the council had upgraded 2100 bus stops at a cost of \$29.1 million, there are significant implications to achieving 100 per cent technical compliance by December 2022.

The City of Newcastle (Submission 27) informed the review that the issue of responsibility for upgrade of stops has been highly contentious in NSW. The provision of facilities such as seating and shelters is a discretionary matter for councils. There is no mandatory requirement in the (NSW) Local Government Act 1993 and Roads Act 1993, or other legislation for a council (in NSW) to provide bus stop related facilities. However, where the City of Newcastle has provided such related facilities, it has accepted that it has an obligation to address the requirements of the Transport Standards.

The Tasmanian Department of State Growth (Submission 38) flagged that significant concerns remain about the ability of local government in Tasmania to meet the 100 per cent Transport Standards bus stops compliance target in 2022. In endeavouring to upgrade targeted urban fringe bus stops in cooperation with local government, provision of support to meet the capital cost of infrastructure upgrades has been shown to only be part of the equation.

Tasmanian councils have also identified concerns about meeting ongoing maintenance costs and the risks and liabilities which may be associated with any ground surface works. This assumes that works can reasonably be undertaken to upgrade bus stops to a compliant standard. However, in urban areas, many footpaths are so narrow that provision of a suitable access path is impossible. In other cases, the level of incline is so great as to preclude a bus driver from deploying the ramp.

In many urban fringe areas, there are no footpaths at all. Pursuing 100 per cent compliance in such areas could only reasonably be achieved by complete removal of the bus stop, the effect of which is to reduce amenity for all passengers. The Department of State Growth Tasmania suggests that the December 2022 compliance thresholds should be qualified so as to exclude those locations where compliant bus stop infrastructure cannot be achieved due to practical considerations or where the cost will far exceed the benefit.

The Bus Industry Confederation (Submission 9) supported government concerns surrounding the lack of funding to ensure that all bus stops are accessible by December 2022. Inaccessible surrounds are seen to effectively isolate Transport Standard compliant bus services from accessing bus stops, effectively prohibiting whole-of-journey travel. In light of this situation, the Bus Industry Confederation requested that special funding assistance by governments be provided alongside an extension to the December 2022 compliance target in order for local government to make full bus stop accessibility a reality.

11.3 Call for reform of the Transport Standards

Finding 20

Governments, industry and the disability community are calling for changes to be made to the Transport Standards.

Governments and industry called for the Transport Standards modernisation process, as previously commenced in response to the 2012 Review, to be continued and taken to completion (see Chapter 3).

Submissions from the disability community, while expressing support to modernise the standards in order to increase accessibility, specified that such a process should not be used to weaken or diminish the Transport Standards.

Government and industry calls for reform

The most significant recommendation arising from the previous review is in relation to the modernisation of the Transport Standards. The review report found that a number of parts of the legislation do not currently provide adequate or sufficient guidance and for the Transport Standards to meet the current and future needs of people with disability, amendments to the Transport Standards need to be considered.

(Submission 17—Queensland Government Department of Transport and Main Roads)

The Modernisation of the Transport Standards was a key recommendation of the 2nd 5-year review and the Bus Industry Confederation believes that it is essential that the Transport Standards reflect changing technologies, infrastructure, services and needs over time.

(Submission 9—Bus Industry Confederation)

Transport for NSW urged that the Transport Standards reform process continues and incorporates a technical review to consider if the standards applied are practically implementable by operators. This was seen as most important in the rail environment where, as detailed in this report, a number of the current standards cannot be implemented within the physical constraints of rail conveyances and on legacy stations.

Any revised standards also need to meet the functional requirements for people with disability. As each transport mode has differing limitations and is subject to other industry-based standards (including safety), the introduction of modal specific standards and performance requirements for infrastructure and conveyances should be adopted. These calls were supported by the passenger rail industry.

Further, Transport for NSW saw that it was necessary to take into account technological innovations that are changing the way transport services are delivered and were not anticipated when the standards were written in 2002. The SA Department for Infrastructure and Transport (Submission 32) provided support to this view and called upon this review to consider the impracticalities of full compliance and focus on achieving accessible public transport that facilitates and completes a person's journey, rather than enforcing strict compliance for the sake of compliance.

Performance-based solutions

The review notes that the call for the development of performance-based solutions in deference to prescriptive requirements was raised as part of previous reviews. The 2007 Review argued that a cautionary approach should be adopted when considering performance-based regulations and advised that prescriptive approaches were necessary for certainty and guidance in relation to accessible transport. Furthermore, it saw that performance-based regulation would be inappropriate where there are significant risks of poor outcomes or inconsistent approaches to meeting outcomes.

Although the 2012 Review acknowledged the 2007 Review's cautionary arguments, it also noted the potential for performance-based solutions to provide better accessibility outcomes on modes of transport that did not neatly fit within the 'one size fits all' approach of the Transport Standards. Performance-based solutions could be more targeted, provide for flexibility and innovation, while allowing for industry to work constructively with people with disability to possibly produce better outcomes in physically challenging operating environments. However, the 2012 Review acknowledged that this would only be possible through careful consultation with people with disability.

Disability community submissions acknowledged industry calls for the adoption of performance-based standards, however they highlighted reservations surrounding the intent of these calls.

Designers, builders, asset owners and operators frequently agitate for the adoption of 'performance-based' infrastructure or rollingstock solutions. 'Performance-based' is often code for 'diminish the deemed-to-satisfy requirements as they are too hard or expensive to meet'.

(Submission 4—McPherson)

Further, equivalent access provisions as discussed in this report are seen as a (lawful) way for (even better) solutions to be developed and agreed by parties in situations where compliance is challenging to achieve.

Disability community calls for reform

Disability community submissions highlighted the following areas where requirements were needed to be made more rigorous or clearer in the standards in order to ensure improved accessibility outcomes:

- The United Nations Convention on the Rights of Persons with Disabilities (CRPD). Although not concerning specific changes to standards, there has been a widespread call for the Articles under the CRPD to be incorporated into the standards (possibly Part 1 Preliminary) in order to reinforce that Australia has clear obligations under the CRPD to ensure people with disability are afforded accessible transport (Finding 12).
- Incorporation of co-design into public transport design and procurement processes. Although design and procurement are an operator and provider matter, given recent successful design and procurement processes involving co-design with the disability community, there are benefits in incorporating discussions surrounding co-design as part of the Transport Standards modernisation process.

- Passenger rail access. Challenges surrounding access to rail platforms due to either a lack of ramps or provision of one lift (which suffered breakdown) was highlighted. Disability community submissions have called for the possible combining of lift access with a ramp to ensure access is always available by one means or another. The locating of platform guards' workstations opposite assisted boarding points was seen as a way of ensuring that direct assistance was available as required. How this requirement would be accommodated within the Transport Standards is unclear, however highlighting this issue in the Transport Standards Guidelines would certainly be beneficial.
- Bus information, safety and space. In relation to busy interchanges, a major concern for people with disability (and especially the vision-impaired) is the ability to identify the right bus and be able to safely move to the boarding point in a timely manner in order to not miss the service. Critical to this outcome is the provision of real-time accessible information in a range of formats. The lack of the restraining of mobility devices on buses is regarded as a serious safety issue not only for mobility device users, but also other passengers.

There is a concern that future buses designed to carry a greater number of passengers than current buses will only allow for the current requirement of two allocated spaces. People aged over 60 are forecast to constitute 26 per cent of the population by 2031. Added to this, Australia's injury rates causing disability remain high. Therefore, two allocated spaces are insufficient. Currently, a husband and wife using mobility devices struggle to travel together on conveyances due to insufficient allocated spaces (Submission 25). Consideration needs to be given for a more representative ratio to be inserted into the standards.

- Marine transport access. Stability when accessing ferries is a major concern. Pontoon gangways can appear unsafe and have awkward gradients depending on high or low tides. There is a need to clarify requirements for gangplanks and levelling pontoons in the standards. The availability of direct assistance was highlighted as one way of ensuring ferry access in difficult locations.
- Information provision. The provision of information in several formats in a manner that can be understood is seen to be a fundamental requirement in order to enable people with disability to use public transport and participate in the life of the community. There appears to be too much reliance on providing information via smartphones and an online presence, rather than using the full spectrum of accessible media. This over-reliance was seen to place people with disability with limited funds or internet access, especially in rural/regional areas, at a disadvantage.

As government and public transport websites are such pivotal sources of information for people with disability, they should all meet Web Content Accessibility Guidelines WCAG 2.0 AA+ compliance. However, information in some locations is not fully accessible. As a result, consideration should be given to including directives in the Transport Standards stipulating that all public transport related websites conform to WCAG 2.0 AA+ accessibility requirements (Submission 25).

AS EN 301 549:2016 is the first Australian Standard concerning the procurement of accessible ICT. The ICT standard was sponsored by the Commonwealth Department of Finance to guide delivery of accessible, inclusive services for all transport and transport infrastructure users. As this Australian Standard is intended for use by public authorities and other public sector bodies during procurement to ensure that websites, software and digital devices are more accessible—the standard should be referenced in the Transport Standards (Submission 25).

- **Training.** There appears to be a widespread view that there is still a need for clear, consistent, disability-led training on awareness. Skill development for staff cannot be underestimated and it should have the same priority as occupational health and safety training. Disability community organisations advised that requirements for such training should sit within the Transport Standards and this training should be co-designed and possibly delivered by people with disability. This may already be occurring in some areas, however the scoping of current forms of nationwide training may lead to the identification of best practice which can be highlighted and shared with all providers and operators.

Finding 21

There is a need to improve coordination and promotion of the Transport Standards at all levels of government.

There needs to be increased community inclusion and engagement with the Transport Standards through: ... increased engagement, information sharing and coordination between Commonwealth, state and territory governments and disability organisations.

(Submission 30—Australian Human Rights Commission)

Submissions to the review are calling for all levels of government to work together to coordinate and promote the Transport Standards with a potential outcome of providing greater clarification on definitions and responsibilities for compliance under the standards. The matter of clarifying the standards has been raised by some state and territory governments, and local governments.

It is the recommendation of this submission, to assist in ensuring clarity and consistency across all jurisdictions in the application of the standards, that federal and state governments work together to produce a national framework to support all jurisdictions to report and record progress against the Transport Standards.

(Submission 32—SA Department for Infrastructure and Transport)

The City of Newcastle urges the Australian Government to clarify definitions and responsibilities.

(Submission 27—City of Newcastle)

A number of the submissions have identified that improving coordination at all levels of government is also necessary when considering whole-of-journey. This has mostly been raised in the context that a number of premises and infrastructure that make up the whole of journey trip are not within the scope of the Transport Standards. For example, requirements concerning public transport premises are predominantly covered under the Disability (Access to Premises-Buildings) Standards 2010.

There is a need for greater coordination and investment by state and local governments to address the ‘whole of trip’ gaps that result from infrastructure that is unsuitable for the provision of low-floor bus services.

(Submission 9—Bus Industry Confederation)

11.4 Use of motorised mobility devices on public transport

Finding 22

The restraining of motorised mobility devices on buses is a serious safety issue that needs to be addressed.

The restraining of motorised mobility devices on buses is needed to ensure the safety of users, other passengers and public transport personnel. Section 9.11 of the Transport Standards states that an allocated space must contain movement of a mobility device towards the front or sides of a conveyance. However, there is no nationally agreed method of 'restraining' mobility aid movement, especially for buses where accidents are reported to occur. Belt restraint systems are available for installation on buses and are used in other countries, however these are not deployed in Australia, with some operators resisting their application due to the need for direct driver assistance and resulting bus timetable delays (Submission 4).

Serious concerns surrounding the effective restraint of mobility devices were raised by the Bus Industry Confederation (Submission 9) and some governments. The confederation advised that the bus and coach industry was required to meet stringent seat strength and anchorage requirements under ADR 68. If industry adopted the fitment of floor anchorage points in order to secure mobility devices, key issues to be considered include the seat strength of the mobility device and its safe restraint, unsecured devices and their risk of becoming projectiles and the possible creation of trip hazards for other passengers.

Transport for NSW (Submission 7) called for research to be undertaken to develop suitable solutions that can be independently operated, widely adopted by different wheelchairs and test the commercial viability and safety in the Australian context. As seatbelts are increasingly used on buses that travel in zones at over 80 km/h, equivalency of access to safety restraints for customers seated in wheelchairs will be a significant issue.

The need for the restraining of mobility devices on buses is an important safety issue. The review notes that two petitions concerning this issue were provided to the House of Representatives Standing Committee on Petitions in April 2019. In addition, the Department of Infrastructure, Transport, Regional Development and Communications commenced a review in 2019 of Vehicle Standard (ADR 58/00—Requirements for Omnibuses Designed for Hire and Reward 2006) in consultation with relevant stakeholders. This review included the consideration of United Nations Regulation No. 107 Uniform Provisions Concerning the Approval of Category M2 or M3 Vehicles with Regard to Their General Construction, which includes consideration of wheelchair safety requirements.

Finding 23

The labelling of motorised mobility devices will assist users, retailers and the public transport industry in identifying which devices are suitable for use on public transport conveyances.

Governments provided support to work undertaken by Austroads (as the peak organisation of Australasian road transport and traffic agencies) and Standards Australia in relation to the development of a motorised mobility device (MMD) technical specification and labelling scheme.

Austroads has undertaken a project, led by TMR Qld, specifically aimed to improve construction and performance requirements of motorised mobility devices, encourage design of devices to ensure their harmony with infrastructure, address existing inadequacies in the Australian Road Rules relative to devices, make it easier to control importation and sale of noncomplying devices and make it easier to identify devices suitable for conveyance on public transport.

(Submission 17—Queensland Government Department of Transport and Main Roads)

Recommendation 5 of the 2012 Review report called for the Australian Government, in collaboration with state and territory governments, to develop and implement a national motorised mobility device labelling scheme. The recommendation recognised work undertaken by Austroads to develop a nationally agreed framework for the safe interaction of motorised mobility devices with pedestrians and other road users on roads and road-related areas. The primary aim of the project was to improve the construction and performance requirements for motorised mobility devices so that they are less likely to result in unsafe outcomes when using footpaths and other public infrastructure (Austroads submission to Senate Mobility Scooter Inquiry 2018).

In July 2015 a forum facilitated by Standards Australia was held to discuss the development of a Standards Australia Technical Specification for motorised mobility devices. In 2016 Standards Australia commenced development and consultations with key stakeholders (Senate report 2018).

Following consultation, SA TS 3695.3:2018 Wheelchairs, Part 3: Requirements for Designation of Powered Wheelchair and Mobility Scooters for Public Transport and/or Road Related Area Use (the Technical Specification) was finalised and publicly released on 22 June 2018.

The Technical Specification has, as its focus, collision avoidance. It also sets out requirements for both construction and performance, including:

- 170 kg maximum unladen mass for motorised mobility scooters
- no maximum unladen mass for motorised wheelchairs
- maximum laden mass of 300 kg for motorised mobility devices
- 10 km/h maximum speed
- for devices capable of exceeding 6 km/h, a low speed switch that will restrict the speed of the device to 5 km/h
- other requirements based on Australian and international standards such as stability on slopes, braking performance and electrical safety
- maximum dimensional limits.

Motorised mobility devices that meet the specification requirements would be issued with a label that would be affixed to motorised mobility devices:

- A white label would indicate that the device was suitable for use on public infrastructure such as roads, footpaths and shared paths.
- Further, if a device met additional requirements for public transport compatibility (stricter limits on width, static and dynamic stability and manoeuvring within an allocated space), it may be eligible for a blue-coloured label. In addition to being able to access public infrastructure, a blue-labelled device may also be suitable to access specific public transport conveyances (Senate report 2018).

The review notes that the Bus Industry Confederation (Submission 9) advised that it found the Technical Specification to be unsatisfactory as it had not taken into account the findings of bus trials organised by the confederation and provided no solution to the problem that was to be addressed. The confederation subsequently called for further work to be undertaken to align access and egress to buses and devices being identifiable as meeting the manoeuvrability that the Transport Standards imposes in the case of buses.

On 6 December 2017 the Senate Rural and Regional Affairs and Transport References Committee commenced an inquiry into the need for regulation of mobility scooters, also known as motorised

wheelchairs. The call for the inquiry resulted from concerns in relation to the safe use of devices and associated risks to the public.

The inquiry received 133 written submissions and held a public hearing in Melbourne on 23 July 2018. The resulting inquiry report, finalised and tabled in Parliament on 20 September 2018, contained two recommendations which directly concerned Austroads and its work in relation to motorised mobility devices. The Australian Government response to the inquiry report tabled in Parliament on 9 April 2019 supported the recommendations:

- Recommendation 1. The committee recommends that the Australian Government ensure that Austroads has adequate funding to undertake research and consultation activities to inform the establishment of a nationally consistent regulatory framework for motorised mobility devices.
- Recommendation 2. The committee recommends that Austroads take into account this report, and the evidence provided to the inquiry, for the purposes of establishing a nationally consistent regulatory framework for motorised mobility devices. As part of its deliberations, Austroads should consider simple and low-cost licensing and registration arrangements and third-party insurance.

In response to the Senate Inquiry and as part of its own forward work program Austroads commenced work in late 2018 to address the recommendations. In April 2019 Austroads held national workshops in Brisbane attended by government, industry and disability sector stakeholders to obtain views on the best approach to the issues raised in the inquiry recommendations.

As an outcome of the workshops, in August 2019 Austroads circulated a Motorised Mobility Devices Discussion Paper concerning the establishment of a nationally consistent framework and adoption of SA TS 3695.3:2018. Responses were received from a range of stakeholders, including MMD user representative groups, governments and industry representatives.

The paper provided an overview of work to date, proposed four options for the adoption of the Technical Specification, addressed issues surrounding the possible registration of motorised mobility devices and licensing of motorised mobility device users and made recommendations concerning the areas addressed. Responses to the discussion paper informed the final project report.

The final report: Austroads Research Report AP-R622-20 Motorised Mobility Devices advised that it had become evident to Austroads that a number of reviews were underway or planned, which had the potential to impact the outcomes of the project. These reviews included:

- A review of Technical Specification 3695.3:2018 by Standards Australia in 2021;
- The modernisation of the Transport Standards being undertaken by the National Accessible Transport Taskforce (see pg.135); and
- A Therapeutic Goods Administration review involving products intended for use for, or by, people with disabilities.

The report therefore recommended that adoption of the Technical Specification for MMDs not be progressed due to the possible results from those other reviews.

Stakeholders also expressed opposition to national registration and licensing arrangements for MMDs and their users. As a result, the report recommended that no further action be taken with respect to those two issues.

The recommendations were subsequently endorsed by the Austroads Board, the project closed and the final report made available on the Austroads website in June 2020.⁶⁰

11.5 The complaints process

Finding 24

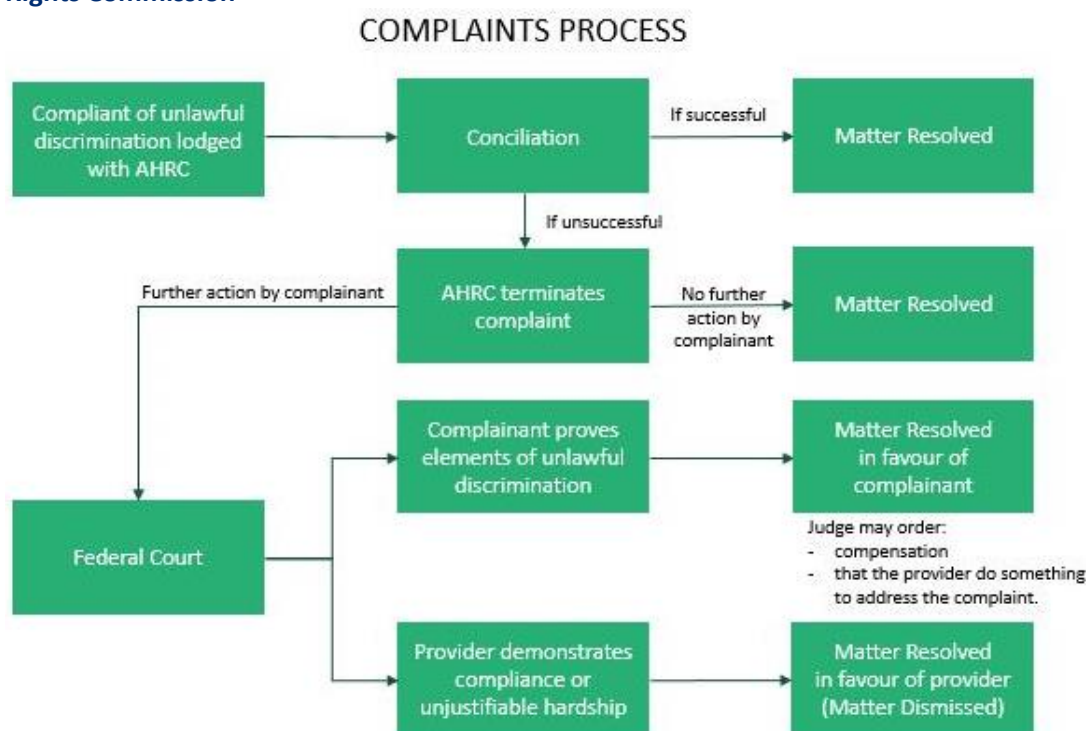
The disability community see the complaints process as daunting and often involving a power imbalance between an individual and an organisation with significant resources to spend on legal advice and representation.

The complaints process regarding lack of accessibility for the provision of public transport for people with disability has been identified by the disability community as a significant barrier to change. This was highlighted by the Wellington Access and Inclusion Advisory Group.

Making a complaint is often seen as ‘making a fuss’ hence it rarely gets reported. It is also unreasonable to expect people with disability to identify non-compliance and seek a resolution in what is a complicated and discouraging process.

(Submission 8—Wellington Access and Inclusion Advisory Group)

Figure 5 End-to-end process for complaints of unlawful discrimination through the Australian Human Rights Commission



Source: Arup Pty Ltd. Project management plan for modernisation of the Disability Standards for Accessible Public Transport 2016. p.229

The purpose of the conciliation process is to resolve matters in an informal, flexible and non-adversarial manner. Lawyers are not required to participate in conciliation and complainants can seek approval to

⁶⁰ <https://austroads.com.au/publications/registration-and-licensing/ap-r622-20>

have another form of advocate assist with the process. The majority of complaints do not proceed to court. For example, of the complaints finalised as at May 2020, 48 per cent were resolved by conciliation.⁶¹

A power imbalance

The complaints process is currently viewed as the only way to ensure that non-compliance to Transport Standards requirements is addressed. Despite the presence of the conciliation process, submissions assert that the process is daunting for many people with disability and is often a power imbalance between an individual and a large state public authority or corporation with significant resources to spend on legal advice and representation.

The reliance on individual complaints for the enforcement of the Transport Standards impedes the capacity of the Standards to act as a driver for change to accessibility of public transport. This primarily places an unnecessary administrative burden and also an onerous financial risk on people with disability. The person with disability is normally only able to represent themselves, while the respondent often has a team of lawyers. Because of the inherent unfairness of this system, the resulting negotiated settlement, if one is reached, may still not result in compliance with the Transport Standards.

(Submission 36—Australian Federation of Disability Organisations)

The Public Interest Advocacy Centre (PIAC - Submission 33) called for amendments to be made to the existing complaints system in order to enforce compliance with the Transport Standards. The PIAC further provided that organisations should have standing to bring discrimination complaints in relation to breach of the Transport Standards to the AHRC in their own right. In order to satisfy this standing test an organisation or group would need to show either:

- that a significant portion of the membership of the organisation or group is affected by the conduct in question
- the alleged discriminatory conduct relates to the objects or purposes of the organisation or group.

In considering this particular issue, the AHRC (Submission 30) advised the review that Section 46P(2)(c) of the AHRC Act states that a complaint may be lodged by a person or trade union on behalf of one or more other persons aggrieved by acts, omissions or practices alleged to constitute unlawful discrimination. The AHRC affirmed that it is proactive in taking steps to minimise perceived power imbalances between parties, including by:

- providing additional information and assistance to unrepresented and/or vulnerable parties
- making appropriate referrals, including to representative groups, advocacy bodies, community legal centres and pro bono legal assistance
- accommodating the needs of vulnerable parties in conciliation, such as allowing attendance by a support person or representative, changing the format of the conciliation process or limiting the role of representatives for the other party in the process.

⁶¹ Australian Human Rights Commission, 2019-2020 Complaint Statistics

Costs incurred

The majority of complaints made to the AHRC do not proceed to court, either because they are resolved by conciliation or terminated and not progressed through the court process. The significant litigation costs incurred by people with disability in endeavouring to have a complaint addressed in the courts are seen as a disincentive and ongoing barrier to enforcement of the Transport Standards.

It is a significant injustice that the enforcement of the Transport Standards is reliant on litigation commenced by persons with disability, many of whom are amongst the most economically disadvantaged people in Australia. Claimants can incur significant legal costs depending on the nature of the matter. Due to the risk of an adverse costs order, many strong complaints relating to the Transport Standards do not proceed, or settle. This removes any precedent impact a successful court decision might have.

(Submission 33—Public Interest Advocacy Centre)

The review notes that the issue of ‘power imbalance and costs’ was raised following a Federal Court discrimination case undertaken by two blind members of the disability community in relation to bank customer touchpad terminals. The resolution of the case highlighted the significant cost barrier and power imbalance associated with discrimination matters that are required to be resolved through the court system. The court case was financially supported by the Grata Fund, a new public interest litigation body set up in Australia. As the funds executive director advised:

It is a massive hurdle for people to bring public interest litigation. If you’re facing having to pay a corporation or the government’s legal bills if you lose, you’re just not going to be able to take that risk on.⁶²

Complaints statistics—Australian Human Rights Commission

In the past five reporting years, the Australian Human Rights Commission received approximately 250 complaints alleging disability discrimination in the provision of public transport. During the same time period, a total of 3,944 complaints were lodged under the Disability Discrimination Act 1992 alleging discrimination in a range of areas, including employment, education, provision of services and access to premises.

Of the 869 complaints lodged in 2017–18, approximately 54 complaints alleged disability discrimination in public transport and also appeared to allege a contravention of the Transport Standards. Of the complaints finalised as at May 2019, 59 per cent were resolved by conciliation and only 15 per cent were terminated.

The commission advised that it must terminate a complaint before a complainant is able to make an application to the court for the court to hear the allegations. Of the complaints alleging disability discrimination in public transport received in the 2017–18 reporting year, none of the complaints that had subsequently been terminated (eight in total) resulted in applications to court as far as the commission was aware.

Issues raised by complainants to the AHRC included:

- service refusal to passengers accompanied by assistance animals
- failure to offer ramp access to conveyance to passengers using walking frames or scooters
- lack of physical access to train stations and bus stops (e.g. lack of wheelchair access, barriers blocking access paths, broken-down lift, lack of grab rails, uneven ground surfaces)

⁶² ABC News (2019). Commonwealth Bank settles discrimination claim by blind Australians over touchpad devices. Available <https://www.abc.net.au/news/2019-01-10/commonwealth-bank-settles-discrimination-claim/10702194>.

- lack of physical access in conveyances (e.g. inaccessible aisles/corridors or bathrooms)
- lack of transport options accessible to passengers using wheelchairs between airport terminals
- failure to make stop announcements
- failure of WATs to arrive following a booking or refusal to accept fare for passengers using a wheelchair
- inaccessibility of booking and ticket validation systems (e.g. websites not accessible to passengers with print disability, 'tap-on, tap-off' systems not accessible to passengers who are blind or have a vision impairment)
- poor customer service (e.g. rude behaviour or inappropriate comments towards passengers with disability, refusal to provide assistance).

To this review's knowledge, Victoria is the only jurisdiction to have a dedicated industry-based complaints office—the Public Transport Ombudsman. The Ombudsman in its submission to the third review (Submission 29) provided details concerning the operation of the Ombudsman's office, complaints received and how those complaints were addressed.

The Public Transport Ombudsman (Victoria)

The Public Transport Ombudsman (PTO) is an industry specific dispute resolution scheme, established in 2004 to receive, investigate and resolve complaints about public transport services in Victoria. The PTO can look at complaints about public transport operators who are members of the scheme, including complaints about matters covered by the Transport Standards.

Scheme members include passenger train, tram and bus operators and other organisations that provide public transport services, such as Public Transport Victoria as well as authorities responsible for delivered major public transport infrastructure projects, such as level crossing removals and the Melbourne Metro Tunnel.

The PTO as part of its role identifies, investigates and resolves systemic issues facing the public transport industry and works constructively with public transport operators to address systemic issues and improvement opportunities that are identified through complaints. The PTO, if appropriate, can draw systemic issues to the attention of the Victorian Public Transport Minister.

Since 2014 the PTO has dealt with approximately 580 cases in which issues relevant to the Transport Standards were raised by people in their complaints.

Issues addressed by the PTO include:

- access to vehicles, building or platforms
- issues with escalators and ramps at stations and stops
- issues with vehicle ramps and boarding devices
- driver and staff conduct issues including failure to pick up or set down passengers
- passengers with disabilities feeling unsafe.

There were also 140 cases in which complaints were made about access to information on public transport operator websites, however the PTO did not record how many of those complaints came from people who identified as having a disability.

Complaint resolution

The PTO has an informal and accessible complaint process where the majority of the complaints are resolved by agreement between the parties. Typical outcomes include apology, explanation, change of policy or procedure, refund, ex gratia payment and staff training.

The PTO recognises that, in cases where the person complaining is more vulnerable, extra steps may need to be taken by the operator to rebuild trust and confidence in using public transport.

These extra measures can include:

- providing the person with an operator contact who they can call directly if the problem recurs
- exploring other temporary transport options such as taxi
- referring the person to a program or service that supports confident public transport use such as Public Transport Victoria's Try Before You Ride event.

Lea's story—a current systemic enquiry

Lea complained to the Public Transport Ombudsman (PTO) after she fell out of her wheelchair exiting a bus. She informed the PTO that the bus driver engaged the ramp but did not lower the bus and as a result the ramp was too steep. Lea was not injured, but her wheelchair was damaged. The bus driver told Lea it was her fault because she was moving too fast, but the PTO was able to access CCTV footage to confirm Lea's story.

The PTO contacted the bus company and commenced an investigation. During the investigation it became apparent that the bus company did not have any formal instructions for bus drivers on how to operate the ramp. The company consulted with the manufacturer and created a procedure for ramp operation. The procedure was made mandatory and issued in a bulletin to all bus drivers. The bus company apologised to Lea for her experience and asked her to contact them if she had any problems in future.

Call for greater support for people with disability

Overall, submissions called for the AHRC to be funded to provide greater support for representative complaints on behalf of people with disability, reducing the legal cost and burden on individuals.

This call had been previously reflected in Recommendation 8 of the 2007 Review which saw this action providing additional support for people with disability in making complaints, while at the same time avoiding the costs and potential risks of the AHRC taking a lead role in initiating litigation. The 2007 Review noted that while this may still lead to concerns over impartiality, it was more aligned with the role for the commission as *amicus curiae* ('friend of the court')—not a party to a case.⁶³

The 2011 Australian Government response to Recommendation 8 of the 2007 Review advised that, as the government at that time was reviewing and consolidating Commonwealth anti-discrimination legislation, that work would include consideration of gaps in protection and an effective complaints system. Although the Attorney-General's Department commenced an anti-discrimination law consolidation process in 2013, this work was not completed.

The 2012 Review, released July 2015 recommended that the Australian Government considers the concerns raised by the disability community as part of that review in relation to the complaints process.

⁶³ The Allen Consulting Group (2009). Review of the Disability Standards for Accessible Public Transport. Final report. p.211.

However, after consideration, the Australian Government noted that the AHRC was the complaint-handling mechanism for the anti-discrimination regime (including resolving issues relating to the Transport Standards) and considered the emphasis on conciliation to resolve complaints in the first instance, to be an effective, low-cost dispute resolution mechanism.

11.6 Summary—Efficiency of the Transport Standards

The Australian Infrastructure Audit 2019⁶⁴ advised that although significant progress has been made in making public transport accessible since 2002 there is insufficient funding to make public transport networks accessible for people with disability. Also, unless funding shortfalls are addressed, legislated accessibility targets for public transport would not be reached. The audit also recognised that there are practical limitations in meeting targets. In some circumstances networks would require significant overhauls or redesigns in order to be fully accessible. Government and industry submissions add support to this view.

The disability community sees the complaints process as daunting and often involving a power imbalance between an individual and an organisations with significant resources to spend on legal advice and representation. This situation is seen to deter people with disability from lodging and proceeding with complaints.

The National Accessible Transport Taskforce

Drafting of the Transport Standards commenced in 1994. As a result, the standards require modernisation to reflect current technology, address challenges surrounding the provision of public transport in the 21st century and, most importantly of all, to ensure the functional needs of people with disability.

On 2 August 2019 the former Transport and Infrastructure Council (now Infrastructure and Transport Ministers' Meeting), comprising all state and territory transport ministers and chaired by the Deputy Prime Minister, endorsed the principles of the new Transport Standards reform process.

Following endorsement, the National Accessible Transport Taskforce, convened by the Queensland Department of Transport and Main Roads (TMR Qld) and the Department of Infrastructure, Transport, Regional Development and Communications, held its inaugural meeting in Brisbane on 29–30 August 2019 to begin work.

The reform process has two stages. The first stage identified 16 areas of initial reform which are expected to be finalised in 2021. The second stage which is looking at a larger more complex body of reforms is expected to be finalised in 2022 with legislative amendment and adoption processes to be undertaken in 2023.

The taskforce, chaired by TMR Qld and comprising expert technical representation from all stakeholder groups, is led by National Accessible Transport Steering Committee which provides oversight and direction. Steering committee membership comprises senior officials from the Attorney-General's Department, the AHRC, TMR Qld, SA Department for Infrastructure and Transport, Transport for NSW, the Victorian Department of Transport and the Department of Infrastructure, Transport, Regional Development and Communications (the chair).

⁶⁴ Infrastructure Australia (2019). An Assessment of Australia's Future Infrastructure Needs. The Australian Infrastructure Audit 2019, p.321. Available <https://www.infrastructureaustralia.gov.au/sites/default/files/2019-08/Australian%20Infrastructure%20Audit%202019.pdf>.

The review sees the new reform process as providing a clear way forward to ensuring that Australia's public transport system becomes fully accessible. The guiding principles as endorsed by the Transport and Infrastructure Council 2 August 2019 are as follows:

- People with disability have a right to access public transport. The Disability Standards for Accessible Public Transport pursue the removal of discrimination against people with disability first and foremost. The reform process pursued must place people with disability at the centre of their considerations.
- Accessibility is a service, not an exercise in compliance. An accessible public transport network anticipates and responds to the varying needs of its customers with disability. This requires thinking beyond compliance with minimum standards and towards a focus on accessibility as a service. The reform process should be open to engaging with opportunities to develop best practice, rather than minimum prescriptive standards.
- Solutions should meet the service needs of all stakeholders and be developed through co-design. The new approach should learn from the past modernisation process which primarily focused on the current individual standards and how they can be amended. This limited the range of solutions to those that fit within the existing framework. The new approach should be open to considering performance-based standards and/or functional outcomes, jurisdictional and modal specific standards, prescriptive standards and other innovative solutions.
- Reforms should strive for certainty. Certainty, both legal and in relation to service provision, is important for all stakeholders. However, transport operators and providers who take only a minimum standard interpretation of the Transport Standards in fact face greater risk of failing to meet the objectives of accessible public transport. This is because minimum standards do not always achieve the best functional outcomes for people with disability and can result in an unintended discriminatory outcome.

Part D: Review Recommendations

Chapter 12: Recommendations

This chapter identifies the recommended actions for addressing the efficiency and effectiveness of the Transport Standards. The third Transport Standards review has identified nine recommendations to ensure the goal of a fully accessible public transport service in Australia is realised.

Recommendation 1—Reform and modernise the Transport Standards

That the Australian Government, jointly with state and territory governments, continue the process of reforming and modernising the Transport Standards, ensuring focus on key areas highlighted by the disability community and industry.

Recommendation 2—Increase the involvement of the disability community

That the Australian Government work with the disability community to establish a national disability advisory body to involve people living with disability in decisions on the reform, modernisation and implementation of the Transport Standards.

Recommendation 3—Foster an environment for innovation

That the Australian Government seek to create an environment that fosters and supports innovation in improving disability access on all modes of public transport with a particular focus on technological advancements and emerging forms of transport.

Recommendation 4—Improve coordination and promotion of the Transport Standards

That the Australian Government improve the coordination and promotion of the Transport Standards at all levels of government.

Recommendation 5—Invest in accessible public transport

That the Australian Government identify opportunities to invest in accessible public transport or leverage existing initiatives, particularly in key areas of underinvestment such as our regional cities and outer suburban areas.

Recommendation 6—Improve the quality of accessibility data to identify problems and craft policy/legislative interventions

That the Australian Government work collaboratively with the states and territories to design a data quality framework for the collection of data and information that provides a more comprehensive understanding of the progress against the 2022 national public transport accessibility targets.

Recommendation 7—Champion accessibility beyond minimum standards, particularly in staff training and universal design

That the Australian Government, in recognition of how crucial disability awareness training for public transport personnel is in ensuring successful travel by people with disability on public transport, commence work to identify and highlight examples of Australian industry best practice. The Australian Government should seek to identify opportunities for investment in public transport that meet universal design principles.

Recommendation 8—Address uncertainty around the lawfulness of contravening a disability standard

That the Australian Government seek legal advice as to the interpretation of the *Disability Discrimination Act 1992* (Cth) in relation to what substantiates that a breach of a disability standard is unlawful.

Recommendation 9—Increase support for individuals to make a complaint under the *Disability Discrimination Act 1992* (Cth)

That the Australian Government ensure that the Australian Human Rights Commission is tasked to provide greater support for representative complaints on behalf of people with disability, reducing the legal cost and burden on individuals.

Recommendation 1—Reform and modernise the Transport Standards

That the Australian Government, jointly with state and territory governments, continue the process of reforming and modernising the Transport Standards, ensuring focus on key areas highlighted by the disability community and industry. A number of areas have been identified for specific consideration by the National Accessible Transport Taskforce as part of the modernisation process, including strengthening equivalent access provisions, further innovation in public transport, and motorised mobility restraining devices on buses.

There is a clear need for the Transport Standards to be reformed and modernised. This was recognised as one of the major findings of the 2012 Review and is now even more apparent. There is currently work underway on the modernisation approach led by the Transport Taskforce. This recommendation acknowledges this work and seeks to provide specific areas to prioritise either as part of the modernisation approach or separately.

The purpose of the Transport Standards is to enable public transport operators and providers to remove discrimination from public transport services. Although the standards contain a mix of requirements, they are generally prescriptive in nature and require operators and providers to conform to specific technical requirements. Insufficient flexibility in these prescriptive standards can lead to situations where it is impractical or infeasible for operators and providers to comply with certain provisions or where compliance can be achieved another way which may even provide better outcomes. The Australian Government should consider the benefits of outcomes-based regulation.

The disability community and industry highlighted to the review a number of issues that need to be addressed as part of a reform process. Reform is recommended for specific consideration by the Transport Taskforce in six key areas as part of the modernisation process:

- **Rideshare.** It is recommended that the Australian Government specifically consider the case for rideshare's inclusion into the Transport Standards. The Transport Standards state that the standards apply to the widest possible range of people and disabilities as defined by the DDA, and all operators and the conveyances they use to provide public transport services. The standards define a public transport service as an enterprise that conveys members of the public by, land, water and air. However, it is noted that the regulation surrounding rideshare and point-to-point transport in some jurisdictions has not viewed rideshare as a traditional form of public transport. Investigation into the case for rideshare's inclusions into the Transport Standards should consider the opportunity for improving accessibility of the service.

- *Innovation in public transport.* It is recommended that the Australian Government give consideration to the effect on the Transport Standards of the new modes of transport focusing on a total mobility solution. MaaS is an integrated, multi-modal service which includes journey planning, booking and payment. There are already trials of new technologies that support this new approach to mobility⁶⁵. A study conducted in 2017 estimated that the smart mobility sector would double over the following five to seven years⁶⁶. The current structure of the Transport Standards by mode of transport does not consider this whole-of-journey approach to mobility. The transition towards the MaaS model for transport provides an opportunity to explore new structures to regulation with more focus on outcomes for people with disability.
- *Restraining of motorised mobility devices on buses.* It is recommended that the Australian Government undertake research to develop motorised mobility device restraining solutions on buses that can be independently operated by the device user. The call to develop motorised mobility device restraining solutions for buses has been raised in all Transport Standards reviews. In light of ongoing concerns expressed, while acknowledging current processes currently underway, the review sees a need for research and a solution to be developed in order to ensure the safety of mobility device users, other passengers and public transport personnel. Once developed, referencing in regulations, including the Transport Standards, needs to occur to ensure industry compliance.
- *Passenger rail services.* The rail industry, in particular, has experienced challenges meeting the Transport Standards due to the unique operating environment of passenger rail networks, such as narrow gauge railways and the age of certain stations. There is a case for reforming the standards to better accommodate difficulties faced in these challenging operational environments while still offering the best outcomes for people with disability.
- *Equivalent access.* Among transport operators and providers there is some reluctance to use equivalent access provisions. However, as has recently been demonstrated, the utilisation of equivalent access involving co-design has led to some very successful outcomes. Any reform process would need to consider how to ensure that providers and operators understand and use equivalent access when the opportunity allows.
- *Topographic challenges.* Australia's public transport infrastructure, particularly bus stops and ferry piers, operate in a range of topographies, including challenging areas such as hilly terrain or around cliffs. The current prescriptive standards do not offer useful guidance in these areas. In the case of ferry piers, challenging topography is compounded by a dynamic natural environment. To improve accessibility outcomes in challenging areas the Transport Standards need to provide better guidance about ways to improve accessibility in challenging spaces.

Recommendation 2—Increase the involvement of the disability community

That the Australian Government work with the disability community to establish a national disability advisory body to involve people living with a disability in decisions on the reform, modernisation and implementation of the Transport Standards.

⁶⁵ Australian Trade and Investment Commission (2018). Mobility as a Service. Available <<https://www.austrade.gov.au/future-transport/mobility-as-a-service>>

⁶⁶ Frost & Sullivan Online Store, Australian Intelligent Mobility Market—Trends, Technologies, and Opportunities, 2016–2025, May 2017

Increasing the accessibility of public transport is not just about being compliant with standards, but about providing an ongoing service for people with disability. Any exploration around the reform of the Transport Standards, such as flexibility and outcomes-based standards, must place people with disability front and centre.

It is recommended that the Australian Government work with the disability community and stakeholder groups to convene a national disability advisory body. The members of the advisory body will be people who are living with a disability and organisations advocating for the interests of people with disability. The group will be made up of members from all states and territories and these members should have involvement in transport decision-making processes in their state or territory. The overriding objective will be to provide strategic advice to the Australian Government and jurisdictions concerning accessible public transport.

Recommendation 3—Foster an environment for innovation

That the Australian Government seek to create an environment that fosters and supports innovation in improving disability access on all modes of public transport with a particular focus on technological advancements and emerging forms of transport.

The Transport Standards were largely drafted in the early to mid-1990s. Since then there has been significant change in technology that has flowed through to public transport. For example, ridesharing, on-demand transport services and MaaS now form part of the public transport mix in most Australian cities. The smart mobility sector has been forecast to double between 2018 and 2025⁶⁷ and Australia is emerging as a leader in this sector. Transport for NSW has created a first-of-its-kind Future Transport Digital Accelerator that aims to deliver future transport projects that will personalise a traveller's experience.⁶⁸ There are also technologies such as CAVs and electric vehicles which will pose challenges to the mobility of people with disability. For example, automated public transport vehicles and silent electric vehicles could pose a safety hazard to people who are blind or vision-impaired.

This change in the public transport landscape will require innovation in developing ways to ensure that people with disability have mobility through public transport. The modernisation of the Transport Standards needs to ensure that disability access is able to be an important part of the development of public transport systems. For example, outcomes-based standards, or other more flexible standards, may allow for change to occur without having to continually amend the legislation.

Recommendation 4—Improve coordination and promotion of the Transport Standards

That the Australian Government improve coordination and promotion of the Transport Standards at all levels of government.

The Transport Standards are applicable to all levels of government but a number of the submissions have highlighted uncertainty about which governments are responsible for implementing which parts of the Transport Standards. This can lead to difficulties with compliance and lack of accessible public transport for people with disability.

There is a call for the Australian Government, with responsibility for administering the Transport Standards, to improve coordination and promotion of the standards at all levels of government, with the

⁶⁷ Frost & Sullivan Online Store, Australian Intelligent Mobility Market—Trends, Technologies, and Opportunities, 2016–2025, May 2017

⁶⁸ Australian Trade and Investment Commission (2018). Mobility as a Service. Available <<https://www.austrade.gov.au/future-transport/mobility-as-a-service>>

aim of providing greater clarification on definitions and responsibilities for compliance under the Transport Standards.

Submissions to the review have also recognised that improving coordination at all levels of government is not limited to the promotion of the Transport Standards, but is also relevant when considering whole-journey accessibility. This has mostly been raised in the context that a number of premises and infrastructure that make up the whole journey are not within the scope of the Transport Standards, and therefore more coordination is needed to ensure every element of the journey is accessible.

Recommendation 5—Invest in accessible public transport

That the Australian Government identify opportunities to invest in accessible public transport or leverage existing initiatives, particularly in key areas of underinvestment such as our regional cities and outer suburban areas.

This review has found that it is highly unlikely that the 2022 deadline for 100 per cent compliance of all conveyances, infrastructure and premises (except for passenger trains and trams, set at 90 per cent) will be met. This view is supported by the Australian Infrastructure Audit 2019.

Despite inconsistent data, available information shows it is unlikely that services and infrastructure in most jurisdictions will be fully compliant with legislated requirements within the mandated timeframe.⁶⁹

Infrastructure Australia also cites a lack of funding as one of the greatest challenges in meeting the legislated standards.

There is insufficient funding to make our public transport networks accessible to people with disability. Unless funding shortfalls are addressed, legislated accessibility targets for public transport will not be reached and our networks will not be inclusive.⁷⁰

In view of these findings this review asks what actions need to be taken in order to meet and answer these significant challenges. As Australia's population grows, and demand for transport increases and becomes more complicated, establishing effective, transparent and sustainable funding mechanisms for capital investment in and maintenance of our transport networks will be a key challenge.⁷¹ The ability to identify opportunities to invest in public transport access or leverage existing investment is a vital part of delivering a fully accessible public transport network.

The bus industry provides a case study of the need for investment in public transport, with many local governments identifying a lack of sufficient resources to make all of the significant number of bus stops within their jurisdiction fully compliant by December 2022. As this review has been advised, pursuing 100 per cent compliance in some instances could only reasonably be achieved by complete removal of the bus stop, the effect of which is to reduce amenity for all passengers. Submissions provide that one way of assisting local government would be to qualify the December 2022 compliance thresholds to exclude

⁶⁹ Infrastructure Australia (2019). An Assessment of Australia's Future Infrastructure Needs. The Australian Infrastructure Audit 2019. p.320. Available <<https://www.infrastructureaustralia.gov.au/sites/default/files/2019-08/Australian%20Infrastructure%20Audit%202019.pdf>>

⁷⁰ Infrastructure Australia (2019). An Assessment of Australia's Future Infrastructure Needs. The Australian Infrastructure Audit 2019. p.321. Available <<https://www.infrastructureaustralia.gov.au/sites/default/files/2019-08/Australian%20Infrastructure%20Audit%202019.pdf>>

⁷¹ Infrastructure Australia (2019). An Assessment of Australia's Future Infrastructure Needs. The Australian Infrastructure Audit 2019. p.266. Available <<https://www.infrastructureaustralia.gov.au/sites/default/files/2019-08/Australian%20Infrastructure%20Audit%202019.pdf>>

those locations where compliant bus stop infrastructure cannot be achieved due to practical considerations or where the cost will far exceed the benefit.

The 2007 Review highlighted this problem in advising that local government was experiencing the greatest pressure on resources in meeting their obligations under the Transport Standards. This was seen to be particularly the case in regional and rural areas where there was a lack of existing infrastructure to support upgrades and local councils faced ‘steeper’ investment requirements where they were starting from a lower base of existing infrastructure (e.g. footpaths and roadside kerbs).

This review disagrees with the removal of bus stops in order to achieve compliance with the Transport Standards. That action would have a detrimental effect on the provision of whole-of-journey travel for people with disability, and negatively impact on the ability of the whole community. However, the review acknowledges advice provided by the bus industry that the final December 2022 compliance target will only be achieved with special state and Australian Government funding assistance.

Despite a lack of quantitative data provided to the review concerning Transport Standards compliance in rural/regional areas, qualitative advice supports the assumption that improvements in accessibility in some areas are not occurring at the same rate as in metropolitan areas and in other areas may be wholly inadequate.

There is still substantial work to be done to ensure the right to accessible public transport for people with disability is recognised. This is particularly relevant to rural and regional areas where accessible public transport has not improved as much as metropolitan areas (if at all) and demonstrates the inconsistency of the application of the Transport Standards across Australia.

(Submission 10—Blind Citizens Australia)

The Australian Infrastructure Audit 2019⁷² also advised that access to transport networks and services is uneven across the country, with people who live in remote Australia or on the urban fringe, older people, those with disability and those experiencing financial stresses being particularly disadvantaged.

This review sees a need to identify opportunities to invest in accessible public transport or leverage existing initiatives. The identification of investment opportunities needs to have a focus on areas of underinvestment such as outer suburban, regional and remote areas.

Recommendation 6—Improve the quality of accessibility data to identify problems and craft policy/legislative interventions

That the Australian Government work collaboratively with the states and territories to design a data quality framework for the collection of data and information that provides a more comprehensive understanding of the progress against the 2022 national public transport accessibility targets.

The lack of specific Transport Standards compliance data available to this review inhibits the development of a national accessible public transport view. This finding is supported by the Australian Infrastructure Audit 2019.

⁷² Infrastructure Australia (2019). An Assessment of Australia’s Future Infrastructure Needs. The Australian Infrastructure Audit 2019. p.264. Available <<https://www.infrastructureaustralia.gov.au/sites/default/files/2019-08/Australian%20Infrastructure%20Audit%202019.pdf>>

Although individual agencies and local governments report advances in accessibility annually, often against goals set out in an accessibility plan, this reporting is inconsistent, meaning that comparisons are not readily made across time periods or between the performance of different jurisdictions. In the absence of more frequent national reporting, it is difficult to consolidate and compare state and local governments' progress. The potential for national oversight of accessibility in the five years between formal reviews is therefore challenging.⁷³

The development of a national view is important given the 31 December 2022 targets of 100 per cent approach and that accessibility in regional/remote areas appears to be falling behind metropolitan locations. Also, state and territory governments are aware of their own need to undertake comprehensive audits to ascertain compliance with the Transport Standards.

Recommendation 2 of the 2012 Review called for the establishment of a national reporting framework, which is being pursued through the modernisation and reform of the Transport Standards.

However, given the modernisation process is likely to take a number of years to conclude, this review sees a need to pursue better data and information prior to the conclusion of the modernisation of the standards.

Recommendation 7—Champion accessibility beyond minimum standards, particularly in staff training and universal design

That the Australian Government, in recognition of how crucial disability awareness training for public transport personnel is in ensuring successful travel by people with disability on public transport, commence work to identify and highlight examples of Australian industry best practice. The Australian Government should seek to identify opportunities for investment in public transport that meet universal design principles.

Many public transport employees, platform staff and call centre/booking staff provide empathetic and exemplary service in order to assist people with disability undertake successful public transport journeys. Indeed, as this review was advised, all staff need to see accessibility as their concern and be empowered to respond accordingly when issues arise. However, instances of inadequate staff performance still persist, often creating a disincentive for people with disability to continue to use public transport.

I want physically accessible transport with empathetic staff who have the capacity to sensitively assist people without having to be explicitly asked.

(Submission 34—Disabled People's Organisations Australia)

In consideration of this issue, this review sees substantial benefit being derived from the identification and highlighting of disability awareness training best practice. Public transport providers, operators and associated training organisations who provide training that results in exemplary service to people with disability should receive national recognition. The instigation of an awards program could form part of this process. Disability community involvement is also seen as an integral part of this work.

This review heard of instances where people who design and procure public transport conveyances, premises and infrastructure were uninformed of the requirements of the Transport Standards. The submissions indicate that one way to increase awareness of accessible design for public transport would be to share case studies or examples of best practice and to promote universal design.

⁷³ Infrastructure Australia (2019). An Assessment of Australia's Future Infrastructure Needs. The Australian Infrastructure Audit 2019. p.320. Available <<https://www.infrastructureaustralia.gov.au/sites/default/files/2019-08/Australian%20Infrastructure%20Audit%202019.pdf>>

Options to identify within the Transport Standards best practice examples of access and inclusion for people with disability in the transport system across Australia ... made available to State, Territory and Federal Governments; transport operators and people with disability ... will ensure new projects and major upgrades will build upon best practice.

(Submission 18—Public Transport Access Committee (Victoria))

Best practice examples of coordinated approaches and governance would contribute to better accessibility outcomes in urban design within transport initiatives.

(Submission 14—City of Sydney)

This review also notes that the National Disability Strategy includes areas for future action to “improve community awareness of the benefits of universal design” and “promote universal design principles in procurement”. In consideration of issues raised in submissions, this review sees that actions to champion accessible design could be used to facilitate accessibility and encourage thinking beyond compliance with minimum standards.

Recommendation 8—Address uncertainty around the lawfulness of contravening a disability standard

That the Australian Government seek legal advice as to the interpretation of the *Disability Discrimination Act 1992* (Cth) in relation to what substantiates that a breach of a disability standard is unlawful.

A number of representative organisations, and the AHRC, raised concerns around enforcement of the the Transport Standards in line with the DDA, highlighted by the decision in *Haraksin v Murrays Australia Limited*.⁷⁴ The decision in this case was seen to highlight a potential disconnect between the Transport Standards and the DDA, and the need to ensure that discrimination can be enforced.)

In view of the concerns raised and the importance of this matter, this review sees a need for legal advice to be obtained. The interpretation of the law in *Haraksin v Murrays Australia Limited* has made it unclear what is legally required to substantiate that a breach of a disability standard is unlawful, and stakeholders are seeking that the operation of the law be clarified.

Recommendation 9—Increase support for individuals to make a complaint under the *Disability Discrimination Act 1992* (Cth)

That the Australian Government ensure that the Australian Human Rights Commission is tasked to provide greater support for representative complaints on behalf of people with disability, reducing the legal cost and burden on individuals.

As previously discussed, the call for the AHRC to be funded to provide greater support for representative complaints on behalf of people with disability had been previously reflected in Recommendation 8 of the First Review, released in June 2011. The Australian Government response to that recommendation advised that, as the government at that time was reviewing and consolidating Commonwealth anti-discrimination legislation, work would include consideration of gaps in protection and an effective complaints system. Although that work was commenced it was not completed.

The complaints process not only seeks to provide a remedy in situations where discrimination has said to have occurred. Resulting court rulings can also provide case law that can be used to inform the Transport Standards. However, given of the power imbalance facing people with disability, if they see a need to pursue that course of action, it is recommended that the AHRC is tasked to provide greater support in order to reduce the burden.

⁷⁴ Federal Court of Australia. *Haraksin v Murrays Australia Ltd* [2010] FCA 1133. Available <https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2010/2010fca1133>

Part E: Appendices

Appendix A: Submissions

This review received 39 submissions. A list of the submissions, ordered by date received, is presented in Table 16.

Table 16: Submissions to the third review of the Disability Standards for Accessible Transport

Number	Date 2018	Author
1.	15 October	Mr Matthew Gee Kwun Chan
2.	23 October	Mr Brian Lee
3.	14 November	Mr Jason Stehn
4.	22 November	Dr John McPherson
5.	22 November	Eric Martin & Associates
6.	26 November	Mr R. A. Jordan
7.	27 November	Transport for NSW
8.	27 November	Wellington Access and Inclusion Advisory Group
9.	28 November	Bus Industry Confederation
10.	29 November	Blind Citizens Australia
11.	29 November	Brisbane City Council
12.	29 November	Australasian Railway Association
13.	29 November	Australian Blindness Forum
14.	29 November	City of Sydney
15.	29 November	Disability Resources Centre Victoria
16.	30 November	Mr Brian Caccianiga
17.	30 November	Queensland Government Department of Transport and Main Roads
18.	30 November	Public Transport Access Committee (Victoria)
19.	30 November	Ms Karleen Plunkett
20.	30 November	Physical Disability Council of NSW
21.	30 November	Queensland Advocacy Incorporated
22.	30 November	Women with Disabilities Victoria
23.	30 November	Public Transport Authority of Western Australia
24.	30 November	Disability Justice Advocacy Inc
25.	3 December	Spinal Life Australia
26.	3 December	Queenslanders with Disability Network Ltd
27.	3 December	City of Newcastle
28.	3 December	NT Department of Infrastructure, Planning and Logistics
29.	6 December	Public Transport Ombudsman (Victoria)
30.	6 December	Australian Human Rights Commission
31.	9 December	People with Disability Western Australia
32.	11 December	Department of Planning, Transport and Infrastructure South Australia
33.	12 December	Public Interest Advocacy Centre

Number	Date 2018	Author
34.	17 December	Disabled People's Organisations Australia
35.	21 December	Confidential
36.	21 December	Australian Federation of Disability Organisations
37.	31 December	Australian Taxi Industry Association
38.	31 January 2019	Tasmanian Department of State Growth
39.	14 June 2019	Victorian Department of Transport

Source: Department of Infrastructure, Transport, Regional Development and Communications. Third Review public submissions. Available

https://www.infrastructure.gov.au/transport/disabilities/third_review_public_submissions.aspx.