

Ray Jordan
86 Barry St
Reservoir
Victoria 3073
rrev@optusnet.com.au
0411 612457

23rd November 2018

Transport Access Section
Road Safety and Transport Access Branch
Department of Infrastructure and Transport
GPO Box 594
Canberra
ACT 2601
via email DisabilitiesTransportAccessSecretariat@infrastructure.gov.au

Submission to the Third (2017) Transport Standards Review

This is a submission to the somewhat overdue Third (2017) Transport Standards Review, for which the Issues Paper was released in August 2018.

The first observation of this Review is the non-adherence to the Timetable as outlined and required by the DSAPT Part 34.1. As such, the Australian government is likely in breach of the Disability Discrimination Act, Part 2, Division 2A, Section 32.

As a basis of this submission, I have chosen to answer a number of the questions posed in the Issues Paper.

Questions for operators, providers and their representative organisations.

Have you been able to meet the 2017 Transport Standards legislated targets?

As the administrator of the All Aboard network, this is a question I have periodically asked public transport operators and providers in Victoria. The answer is basically “yes, and no”.

Without deep diving into the specifics, it is generally recognised that data on some aspects of compliance has been collected and understood, while most aspects have been the subject of less scrutiny and therefore poorly understood.

Simply, the data necessary for a full understanding of the level of compliance of all aspects of all modes of public transport just does not exist.

There are some obvious examples where 2017 targets have not been met (Melbourne trams DSAPT 8.2, Melbourne trains DSAPT Part 9.2). But the lack of complete data does not allow this question to be answered fully.

Questions for people with a disability, their representative organisations and the community generally.

1. Has your accessibility to public transport improved since the commencement of the second Transport Standards review in 2012?

- How has your accessibility to conveyances changed? (for example, trains, buses and coaches, trams, ferries, wheelchair accessible taxis and aircraft). Can you provide examples?

Trains - metropolitan.

The train operator has now implemented a policy that allows for a boarding ramp to be placed at a second door in the case that the first door cannot be used. Whether this policy has been tested in operation is unknown to me.

Improvements have been made to passenger information announcements on stations and trains, but they can still be somewhat sporadic in many locations. Reporting these instances does not seem to help.

Less than the required number of allocated spaces on trains is still a big problem.

Trains – regional.

Improvement has been noted. But accessible transport advocates have been diligent and alert to poor design decisions and brought these to the attention of operators and providers.

Buses.

The number of buses in metropolitan Melbourne that are fitted with a wheelchair ramp seems to be approaching 100%. Word from regional areas says that there is still a long way to go.

However there are many aspects to DSAPT compliance in addition to the fitting of a wheelchair ramp. Gradient of ramp is one that is often problematic. Passenger information such as visual and audible displays are rare.

Whilst wheelchair restraints are not mentioned in the DSAPT, this is an area that should be attended to in order to keep passengers safe.

Coaches.

Relatively few coaches are accessible to wheelchair users. Anecdotal evidence suggests that the number has increased since the 2012 Review, but data is difficult to find.

Trams.

The tram operator and provider of Melbourne's trams have in the past couple of years, walked back from their previous inflated claims for compliance levels. For example, they have come to accept that a low floor tram is only compliant with regard to the DSAPT Part 8.2 when paired with platform infrastructure that provides a gap at the doorway that is within the specifications therein.

When a conveyance must rely on complimentary infrastructure to provide compliance in a particular Part of the DSAPT, we might be best to look at the

percentage of services or instances that are compliant. From the point of view of a person with a disability, this is a much more realistic method of measuring compliance (Whole of Journey principle). If we use this measure, Melbourne trams are a long way behind the required targets with regard to boarding. But a lack of data prevents putting an accurate number on the level of compliance.

Wheelchair accessible taxis.

My personal experience is unchanged from the 2012 Review. I do not use the central booking service. I get good service by directly calling a group of known drivers who operate in my area.

Many of my experiences with using the central wheelchair accessible taxi booking number have resulted in long wait times, poorly trained drivers or taxis with inadequate or broken wheelchair restraint equipment. I hear many similar stories from other wheelchair users.

DSAPT Schedule 1, 1.3 required response times for wheelchair accessible taxis to be the same as regular taxis by 31 December 2007. The Taxi Services Commission (recently renamed Commercial Passenger Vehicles Victoria) has failed to respond to my several requests for data on this issue.

Aircraft.

I understand that some airlines operate a “two wheelchair policy”. Whilst I have not encountered this myself, it appears to me that this would be a breach of compliance with the DSAPT unless the AHRC has granted an exemption.

- How has your accessibility to information (for example, maps, timetables, announcements) changed? Can you provide examples?

Although most buses are now wheelchair accessible, few still provide visual or audible location information.

Provision of audible and visual location and next stop information on Melbourne trams have improved.

- How has your accessibility to infrastructure immediate to boarding a conveyance changed? (for example, any structure or facility that is used by passengers in conjunction with travelling on a public transport service). Can you provide examples?

Two of Melbourne’s underground stations (and many metropolitan stations) are accessed by stairs and one single elevator. These are subject to occasional breakdown and regular scheduled servicing during normal business hours. Significant inconvenience to and discrimination against passengers is caused by the lack of provision of an alternative means of access or other means of direct assistance. This situation has not improved since the introduction of the DSAPT.

The number of accessible tram stops in Melbourne has increased. However, that number is far below the required December 2017 target of 90%. These (apart from a few platform tram stops that were built to the incorrect specifications) provide

good boarding access to the low floor trams of the fleet.

- What do you currently see as the greatest areas of need with regard to accessibility of public transport for people with disability? Can you provide specific examples?

The first area of need is for there to be a real and genuine determination on behalf of public transport providers and operators to public transport that is accessible to everyone. Some states do this better than others. The organisational culture in Victoria has improved significantly in the last few years which has led to wider consultation and better accessibility outcomes. Yet failures still occur – these can usually be traced to failure to consult with the public or disability advocates before embarking on projects.

Non-compliance with the DSAPT is a real concern. Examples are provided elsewhere in this submission and in submissions to the previous Reviews. Compliance with the DSAPT would, in most instances, provide good accessibility outcomes.

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

Wheelchair users generally find buses to be the most challenging type of public transport conveyance to use. There are a number of reasons:

- a. Boarding ramps can be short and therefore steep in many situations.
- b. Boarding ramps are quite narrow.
- c. Boarding ramps do not generally have side protection to prevent a wheelchair or scooter falling off the edge.
- d. Boarding ramps are not power driven, meaning that the bus driver must alight the bus to deploy.
- e. Because of d., the bus driver is not onboard the bus to assist the wheelchair user to validate their payment card, lift folding seats, request other passengers to move out of the allocated space or assist in any other way.
- f. Buses often “kneel” on the kerbside suspension only. This increases the sideways tilt or lean of the bus additional to the lean caused by the roadway camber. This can make it very difficult for passengers to move inside the bus. (Please see comment in the conclusion about “how cheaply can we do this?”)
- g. Grabrails are generally located too high to be used by many wheelchair users. I do not have access to AS1428.2 to determine whether these comply with DSAPT 11.7.
- h. Unlike the in United States, buses in Australia (except coaches) do not have wheelchair securements. This represents a serious safety concern, not only for the wheelchair user but for other passengers in the bus. An unsecured wheelchair can easily slide across the floor of a bus while it is turning a corner, braking or accelerating, creating significant risk of injury to passengers which

may include children or infants who are often share the same area of the bus.

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

The DSAPT does not very well address the needs of people with cognitive disability. Information, in both visual and audible form can be inconsistent, unnecessarily complex and confusing.

4. Have new ways of providing public transport, such as ride sharing or on-demand bus services affected your ability to access services?

From the point of view of people who use wheelchairs or other mobility aids, ride sharing has been a failure. I am not aware of any wheelchair user who has had success in using any of these new services. This must surely discriminatory, but government regulatory and statutory bodies seem disinterested.

5. Do you find that the current processes with regard to making a complaint or seeking information are sufficient or sufficiently responsive?

The current complaint process is insufficient. Here is how it works from a complainant's point of view (from my own personal experience):

- Person with disability encounters problem on public transport that may be related to non-compliance with the DSAPT on the part of operator or provider
- Person contacts the AHRC and makes a complaint
- AHRC may make some enquiries
- AHRC brings person with disability (often un-resourced and unrepresented) together to conciliate with respondent operator and/or provider (usually represented by a team of managers and lawyers)
- During this lop-sided negotiation, the person with disability is encouraged or coerced into some kind of compromise agreement that may not result in compliance or even any meaningful steps toward compliance
- In the case that an agreement is not reached, the AHRC advises that they have reached the limit of their power and that the next step is that the complainant should consider taking a discrimination case to the Federal Court
- This next step requires that a person with disability who is often un-resourced in every way you could imagine, hire a lawyer and set about taking on a multi-national corporation or a government body in the Federal Court
- Should the preceding step by some miracle actually be accomplished, the consequences of losing the case could be catastrophic for the person with disability. The costs of the respondent/defendant, if awarded against the complainant (the person with disability) could be in the tens or even hundreds of thousands of dollars. And that's before their own legal costs are considered.

- It should be no surprise then that it is rare that a disability discrimination case (public transport or otherwise) is ever heard by a court in Australia.

6. As a body representing the views of people with disability, do you have any specific responses or perspectives with regard to the issues raised in the questions above?

One of the biggest problems with the DSAPT is the lack of means to enforce compliance. Once a person raises the issue or makes a complaint of non-compliance, there should be a statutory body with the power to investigate and prosecute breaches.

7. What other issues you would like to see addressed?

In Melbourne, wheelchair users wishing to board a train must wait near where the front passenger door will be when the train arrives. This area is often not sheltered and may not be near any security or emergency devices provided for passengers. Whilst this is not specifically covered by the DSAPT, it is certainly discriminatory. It might be addressed by a future addition to the DSAPT that requires that all amenities (including shelter) should be available to all passengers.

The above paragraph is also applicable to all other forms of public transport.

The DSAPT frequently refers to Australian Standards, for example AS1428.1, AS1428.2, AS1735.12. In many cases, in order for a person to determine compliance with the DSAPT, they must purchase at their own cost, or somehow otherwise obtain a set of these Standards. People with disability or their representatives should not be presented with this obstacle. The DSAPT should itself contain the relevant parts of any other Standards or Design Rules.

In conclusion, it is my observation that public transport providers and operators in Australia, ask themselves the following question when planning or introducing new infrastructure and conveyances:

“What is the least amount of money we can spend to achieve minimum compliance with the DSAPT?”

Thank you for the opportunity to make this submission.

Sincerely,

Ray Jordan

Administrator of the All Aboard network