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

November 2018

**To:**

Road Safety Policy and Transport Standards Section  
Land Transport Policy and Safety Branch  
Department of Infrastructure, Regional Development and Cities  
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Submitted via email to: [DisabilitiesTransportAccessSecretariat@infrastructure.gov.au](mailto:DisabilitiesTransportAccessSecretariat@infrastructure.gov.au)

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## About Blind Citizens Australia

Blind Citizens Australia (BCA) is the peak national representative organisation of and for people who are blind or vision impaired. Founded in 1975, our mission is to achieve equity and equality by our empowerment, by promoting positive community attitudes and by striving for high quality and accessible services which meet our needs.

We provide peer support, information dissemination, advocacy support and advice to community and government on issues of importance to people who are blind or vision impaired.

Our work is directly informed by lived experience of blindness and vision impairment. Our members, our Directors and the majority of our staff are blind or vision impaired.

## Introduction

BCA and its members support the Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards) by the Department of Infrastructure, Regional Development and Cities (the Department) as it is vital that any high-level legislation and policy relating to the accessibility of services for people with disability remain a high priority for Commonwealth, state and territory governments. BCA notes the Transport Standards come under the auspices of the *Disability Discrimination Act 1992* (DDA).

The inability to hold a driver's licence can be extremely limiting and isolating for some people who are blind or vision impaired, whether they have been blind from birth or have experienced vision loss later in life. The accessibility of public transport and surrounding infrastructure within the community can serve to eliminate these barriers and ensure that people who are blind or vision impaired are able to enjoy increased mobility and social participation, including increased opportunities for education and employment.

BCA submits the Transport Standards need to continue to have regard to the following policies and principles.

### United Nations Convention on the Rights of Persons with Disabilities

As the Australian Government has both signed and ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)<sup>1</sup>, it is bound by the obligations set out in the UNCRPD. Article 9 states that:

To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation...both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility.<sup>2</sup>

Australia needs to put the principles of the UNCRPD into practice and ensure Australia upholds its responsibilities and obligations. One very important aspect of this is for all

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<sup>1</sup> United Nations Treaty Collection, Convention on the Rights of Persons with Disabilities, [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-15&chapter=4&lang=en#EndDec](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-15&chapter=4&lang=en#EndDec)

<sup>2</sup> Ibid, Article 9

Australian governments to provide accessible public transport for people with disability and this needs to be done through continuing to improve and modernise the Transport Standards.

### **National Disability Strategy**

In 2010, the Federal Government released the National Disability Strategy 2010-2020 (NDS) to put in place a set of objectives that would help Australian governments to meet their obligations under the UNCRPD.

Policy Direction 4 of Outcome 1 of the NDS refers specifically to public transport as a key policy area: “A public, private and community transport system that is accessible for the whole community.”<sup>3</sup>

The only way to achieve this objective and further the intent of the NDS is to ensure the public transport system in Australia is accessible for the whole community. This requires the Transport Standards to be effective and enforced.

### **Universal design**

It is important to remember that outcomes aimed at enhancing access and inclusion for people with disability will ultimately benefit all Australians.

Universal design is the “design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability”<sup>4</sup>.

For many years, BCA has been advocating for the comprehensive use of universal design in all Australian services, particularly in relation to public transport. The NDS itself clearly articulates the importance of universal design. It states:

Taking a universal design approach to programs, services and facilities is an effective way to remove barriers that exclude people with disability. Universal design allows everyone, to the greatest extent possible, and regardless of age or disability, to use buildings, transport, products and services without the need for specialised or adapted features.<sup>5</sup>

Universal design will only become more crucial to sustaining Australia’s ageing population in years to come. The *2015 Intergenerational Report Australia in 2055* has estimated Australians will live longer and continue to have one of the longest life expectancies in the world. In 2054–55, life expectancy at birth is projected to be 95.1 years for men and 96.6 years for women, compared with 91.5 and 93.6 years today<sup>6</sup>. Due to the strong correlation between aging and disability, the number of people with disability is also likely to significantly increase in years to come. When looking at blindness and vision impairment specifically, around 80% of vision loss in Australia is caused by conditions that become more common as people age. In addition to this, people who are blind or vision impaired may also acquire multiple disabilities as they age, such as hearing loss, which results in an even greater need for an accessible

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<sup>3</sup> Council of Australian Governments, National Disability Strategy 2010-2020, p.32.

<sup>4</sup> National Disability Authority, Center for Excellence in Universal Design 2014, Ireland, accessed on 8 November 2018, <http://universaldesign.ie/What-is-Universal-Design/>

<sup>5</sup> Council of Australian Governments, *National Disability Strategy 2010-2020*, p.30

<sup>6</sup> Commonwealth of Australia (2015), *2015 Intergenerational Report Australia in 2055*, Commonwealth of Australia, Canberra, p.vii

community. This means that Australia's public transport services must keep pace with an ageing population.

### **World Blind Union**

Australia is a member of the World Blind Union which is the global organisation representing the estimated 253 million people worldwide who are blind or vision impaired.

The *World Blind Union Work Plan for 2017-2020* includes access to transport as a significant priority. In particular, Strategic Objective 3 of the Work Plan is "Promoting full access to the environment for blind and partially sighted persons including safe and independent travel and access to transportation"<sup>7</sup>.

This reiterates that accessible public transport is a global issue that Australian Governments cannot ignore and, as a developed country, Australia should be striving to demonstrate best practice to other jurisdictions.

### **Whole Journey Guide**

In its final report from the second review of the Transport Standards in 2012, the Australian Government developed "The Whole Journey: A guide for thinking beyond compliance to create accessible public transport journeys" (the Guide)<sup>8</sup>.

The purpose of the Guide was 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"<sup>9</sup>.

BCA contributed to the Government consultation on the Guide in 2017. At that time BCA commended the Department on the development of the draft Guide, but BCA was concerned that it was just a "guideline" for the industry and it was not implemented, monitored or enforced in any way.

BCA put forward 10 recommendations to ensure the Guide would have a real and lasting impact on the transport experience of passengers with disability. Many of these recommendations are reiterated in BCA's comments on the Transport Standards below.

The Guide should be included in the Transport Standards to provide best practice thresholds for operators and providers to meet, particularly in relation to all the interconnected aspects of an individual's public transport journey every day. This would be one step further to ensuring a seamless journey from one conveyance to another for all Australians, particularly those with disability.

### **Previous accessible public transport reviews**

BCA notes there have been many reviews and consultations relating to accessible public transport over many decades in Australia. In addition to the previous two reviews

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<sup>7</sup> World Blind Union, Work Plan 2017-2020, <http://www.worldblindunion.org/English/our-work/our-priorities/Pages/default.aspx>

<sup>8</sup> Department of Infrastructure, Regional Development and Cities, *The Whole Journey Guide*, <https://infrastructure.gov.au/transport/disabilities/whole-journey/index.aspx>, accessed on 5 November 2018.

<sup>9</sup> Ibid.

of the Transport Standards in 2007 and 2012 and the Government response to the 2012 review, BCA has contributed to the consultation on the Whole Journey Guide in 2017 and the Senate Inquiry into the delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities, also in 2017.

Further, BCA has made comments and submissions and has been involved in numerous consultations on Wayfinding Standards and reviews of the *Disability (Access to Premises – Buildings) Standards 2010* and Building Standards. These issues are all interconnected with public transport to some extent and need to be complementary, rather than in conflict.

BCA is concerned that the continuous development and review of standards, policies and guidelines by Governments in Australia involve protracted and ineffective processes that are not leading to real and lasting change to accessibility for people who are blind or vision impaired.

## **General comments**

BCA's overarching view is that accessibility to public transport has improved in some areas in Australia since the second review in 2012, particularly in metropolitan areas. However, 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.

Further, the Transport Standards overall are very broad and have very little detail, particularly in relation to enforceability. As with the Whole Journey Guide consultation in 2017, BCA is concerned that while there are some stated targets for the Transport Standards, there is no stated accountability, measurements or penalties for not meeting those targets. At this stage it appears that many of the targets, as set out in the Issues Paper<sup>10</sup>, are not going to be met. Furthermore, any measurement of compliance with the targets is by self-assessment by operators and providers only rather than having an independent auditing process. BCA makes further comments about this in its specific comments below.

All Australians want to be able to travel safely and independently. For people with disability such as those who are blind or vision impaired, being able to travel in their local area or between towns and cities keeps people connected and social which has long term benefits for them and the community. This also has broader benefits for older Australians, particularly given Australia is an ageing population. A consistent, national approach to accessibility of public transport across all areas of Australia – rural, regional and metropolitan – must be paramount.

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<sup>10</sup> Department of Infrastructure, Regional Development and Cities, Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards), Issues Paper, August 2018.

## **BCA detailed response – for disability sector and public views**

BCA has prepared a response to Section C of the Issues Paper: 'For disability sector and public views: Accessibility of public transport'. The answers below are based on consultations with BCA members with lived experience of being blind or vision impaired.

### **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?**

Overall, BCA members report that in metropolitan areas accessibility to public transport has improved in some areas since the second Transport Standards review in 2012. However, members in rural and regional areas report that given the small number of operators of public transport – and in some cases, monopolies – it is harder to see change occurring in non-metropolitan areas.

BCA members had the following specific examples regarding public transport.

#### **Queensland trains**

Many people with disability (including BCA members) have reported that there are many inaccessible features of the new trains now operating in South East Queensland. This is of even greater concern because these new trains are a product of a recent procurement process conducted by the Queensland Government and Queensland Rail but were not designed or produced in compliance with the Transport Standards.

As a result, the Queensland Government and Queensland Rail applied to the Australian Human Rights Commission (AHRC) for an exemption from the Transport Standards for many of the inaccessible features of the new trains. While the AHRC did not grant an exemption, the trains are still allowed to operate in South East Queensland and the only recourse for people with disability is to lodge a DDA complaint.

This issue is discussed further below under the heading "National and consistent approach".

#### **Trains and Trams – Seating**

BCA members are reporting a trend that is emerging where some new trains and trams have had more poles and less seats installed, presumably in order to be able to carry more passengers. Unfortunately, this trend can be an issue for people who are blind or vision impaired as sometimes they need a seat due to their vision condition or they need to move to an accessible seating area to cater to their dog guide. BCA members are reporting that it is becoming harder to identify where the accessible seats are located.

BCA members also report that while low floor trams and trains may be more accessible for some people with disability, they are actually less accessible for people who are

blind or vision impaired and who travel with a dog guide. This is because there is usually no allocated space for the dog guide to sit.

*There is a lot of overcrowding on trains in Lidcombe, particularly because it is an interchange and there are staff shortages. Sometimes I have to run for trains. Often the train announcements are simultaneous on 2 different platforms at once so it is very confusing which platform my train will be on. (BCA Member, Sydney)*

## **Trams**

At most tram stops in Melbourne, the usual practice is for tram doors to open on the left, the front door being near the driver. Those embarking through the front door can then communicate with the driver to ask for assistance. However, BCA members are reporting that at a growing number of tram stops, tram doors open on the right, and due to the reversed symmetry of the door layout on the opposite side of the tram, this means the doors are further down the tram, away from the front of the tram.

This is a concern because this results in the embarking passenger not having easy access to the driver and the passenger has to make their way through a crowded tram (with a white cane or a dog guide) to the front of the tram to be able to access the driver and an accessible seat. Alternatively, this may also mean that if a passenger gets on at the front left door, they may then have to get off at a right-hand door which is further towards the back of the tram. This requires the passenger to navigate from the front to the back of the tram in order to disembark.

This practice makes tram travel for passengers who are blind or vision impaired – and who need to alight at stops where the doors open on the right – less accessible and safe due to the navigational and communication difficulties of time and distance that it creates.

## **Tram “Super Stops”**

In Melbourne, there are more and more tram “super stops” being built. While super stops may be accessible for some people with disability, such as those in wheelchairs, for others, tram super stops can present many challenges. For people who are blind or vision impaired, there can be a number of trams pulled up at the stop at any one time and it can be difficult and confusing for people who are blind or vision impaired to locate the correct tram in a queue of vehicles.

To address this problem, all tram operators should implement a clear policy which requires all tram drivers to pull up to the front of the super stop to pick up passengers. If a tram does take on passengers towards the rear of the interchange, the driver should wait until they are able to move up to the front of the queue and check if there are any other passengers who would like to embark prior to departing.

BCA has also encouraged transport authorities in the past to include at least one tactile boarding point at all super stops, which should be located at the front of the stop. This will allow passengers who are blind or vision impaired to exercise greater independence when locating the boarding point. A uniform procedure should then be followed at all super stops to ensure that each tram pulls up to, and aligns the front door of the tram with, the tactile boarding point.



## **Bus – large interchanges**

Similar to the tram super stops in Melbourne, BCA members report that in many metropolitan areas, there are also large bus interchanges where multiple buses may stop at the same bus stop at once. The buses do not always go to the front of the line to ensure that people waiting in the queue can get on. This leads to confusion for people who are blind or vision impaired because they do not know where their particular bus is stopping.

*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. (BCA Member, Sydney)*

## **Taxis**

The use and accessibility of taxis was raised several times with BCA during our teleconferences and in direct feedback from members on this consultation.

The following issues continue to be a problem for people who are blind or vision impaired when using taxi services:

- refusal of passengers accompanied by assistance animals
- poor driver communication skills
- poor disability awareness of drivers
- inaccessible booking processes and information
- not all taxis are fitted with talking taxi meters which announce the metered fare and any additional fees and surcharges
- not all taxi registration numbers are provided in both Braille and raised print on the exterior, and interior of the vehicle for ease of making complaints
- taxi drivers commonly lack a basic understanding of the local area that they are servicing and subsequently, experience 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
- people who are blind or vision impaired face significant challenges with the operation of taxi subsidy schemes in those states and territories in which paper-based vouchers are still in use.

BCA has submitted to the Department in previous reviews of the Transport Standards the following recommendations and reiterates them again for this Third Review:

- the need for nationally consistent, enforceable sanctions for refusing access to passengers with assistance animals to serve as a disincentive to drivers in the future
- the need for the Transport Standards to include a clause requiring an audible equivalent to the visual taxi meter display to be provided

- all electronic booking systems should be responsive to the needs of people with disabilities; including mechanisms for the passenger to communicate the fact that they are blind or vision impaired, and whether or not they will require assistance
- the need for the Transport Standards to require taxi registration numbers to be provided in both Braille and raised print on the exterior, and interior of the vehicle for ease of making complaints
- the need for mandated use of GPS technology in taxi vehicles - drivers should be required to activate the speech function on their GPS unit upon request to provide the passenger with clear information regarding their whereabouts.
- the need for the Transport Standards to establish services that are nationally consistent and should outline the need for the taxi industry as a whole to work towards the implementation of a national electronic card system for subsidised taxi travel.

*I am new to blindness and taxis frighten me. I had a \$200 taxi fare because the driver got lost. (BCA member, Sydney)*

*Most of my experiences with taxis in Melbourne are positive. Some taxi drivers have limited English but if I am patient and we work together we can work out where we are going. (BCA member, Melbourne)*

### **Rural and Regional areas**

BCA stated in its submission to the Whole Journey Guide in 2017 that the Transport Standards have had little to no impact in rural and remote areas, with the majority of public transport services still not complying with existing requirements.

BCA constantly receives reports of councils in regional and rural areas being unwilling to create policies to ensure transport services and infrastructure are accessible to people with disability. Therefore, the Transport Standards need to be much more rigorous in order to compel councils and transport operators to comply with them.

*Local transport buses are good [in Tamworth] because many drivers know me. If I travel outside of Tamworth, however, the vision impaired persons travel pass is not accepted. This is discrimination against rural/regional areas. (BCA Member, Tamworth)*

*Long distance coach services are difficult to use and attempting to find toilets can be embarrassing when drivers call out for assistance for me in front of the public. (BCA Member, Adelaide)*

### **Quiet vehicles**

In recent years, silent or near-silent vehicles such as hybrid electric cars have become more commonplace. Their popularity has grown along with increased public concern regarding climate change and fuel scarcity. This trend has also extended to electric public transport conveyances such as buses and trams. It is expected that usage of silent vehicles will continue to flourish.

This trend 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, including public transport conveyances, become silent, this will no longer be the case.

This is a global problem that needs to be addressed within Australia. The World Blind Union has, within its 2017-2020 Work Plan, a specific initiative relating to silent cars that states: the WBU will “Continue our advocacy efforts to ensure that our safety concerns regarding silent cars are addressed effectively”<sup>11</sup>. 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.

Governments need to be aware of this trend in quiet vehicles worldwide and ensure the Transport Standards apply to ensure this does not become another accessibility and safety hazard for people who are blind or vision impaired.

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

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.

However, while smartphone technology can provide a high level of access for people who are blind or vision impaired, it is imperative that smartphones and smartphone applications are viewed as an *additional* option for passengers and that those technologies do not replace direct assistance or low-tech solutions. This is because a number of people who are blind or vision impaired still face barriers in accessing mobile phone technology.

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

It is also important to note that the ability of people who are blind or vision impaired to be able to use apps is dependent on those applications themselves being accessible and complying with specific accessibility guidelines.

All accessibility features in public transport must be built into the design – the universal design – of the services and not reliant on unreliable or inaccessible technology.

Low-tech solutions that need to be retained include:

- call centre operators
- audible announcements at bus and tram stops and train stations

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<sup>11</sup> World Blind Union, Work Plan 2017-2020, section 3.3.1, Initiative #1, <http://www.worldblindunion.org/English/our-work/our-priorities/Pages/default.aspx>

- audible announcements on all conveyances including buses, trains and trams
- personal assistance from drivers, conductors, transport staff.

There should be specific phone-in lines for transport information covering all forms of public transport available in the location that they cover. These phone-in lines should be staffed for the entire part of the day for which the transport service is operated and should be resourced so as to provide reasonably immediate access to information.

Bus and tram drivers can also continue to provide a high level of customer service to passengers who are blind or vision impaired by asking them which stop they would like to exit at and notifying them when their stop is approaching.

Public transport providers and operators should also consider, as a term of employment, requiring drivers to make manual announcements at major stops such as shopping centres and train stations,

*The “Travellers Aid Service” in Victoria is good. The green button at tram stops that lists the upcoming trams is also effective. (BCA Member, Melbourne).*

### **Audible announcements**

Section 27.4 of the Transport Standards states that: “All passengers must be given the same level of access to information on their whereabouts during a public transport journey.”<sup>12</sup>

For people who are blind or vision impaired, this means the provision of clear and consistent audible announcements which provide up-to-date next stop information. These measures are not only beneficial to people who are blind or vision impaired but are also helpful for people from non-English speaking backgrounds, and tourists who may be unfamiliar with the environment.

There has been some progress with audible announcements in metropolitan areas, particularly in relation to more audible announcements becoming more common on some forms of public transport. For example, in Melbourne, BCA members report that the introduction of ‘smart’ buses has improved the prevalence of audible announcements as all smart buses have the capacity to make audible announcements. Trams also have audible announcements.

However, some BCA members are concerned that new technology provides a loophole for providers and operators to avoid installing audible announcements, particularly in rural and regional areas. Providers and operators may justify not installing or using the technology by saying that if passengers already have a smartphone and GPS, there is no need for public transport to have audible announcements. As stated above, this excludes all those people who do not have access to smartphones or apps.

Therefore, all public transport must be accessible to all people and include low technology options.

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<sup>12</sup> Disability Standards for Accessible Public Transport 2002

*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)*

### **Volume of announcements**

While audible announcements may be provided for on a conveyance, sometimes the operator will not use this capability or have it turned to a low level as the operator says the constant announcements are annoying both the driver and/or the other passengers.

BCA is also aware that some public transport infrastructure, such as train stations, are turning down the sound of audible announcements after 9pm at night.

Therefore, further detail in the Transport Standards is required as to the appropriate frequency and volume of audible announcements and traffic signals as well as the appropriate contexts – such as announcement of major streets rather than every single street or announcement of which side of the rolling stock a train platform will be on, e.g. 'platform will be on the left following the direction of travel'.

*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. (BCA Member, Sydney)*

*I travel mainly on trams in Melbourne and there are more automatic announcements which is working well. (BCA Member, Melbourne)*

*I would like to see a defective notice being issued for rolling stock if audible announcements do not come through. This can be included in a maintenance program. (BCA member, Melbourne)*

### **Changes to services or delays**

As individuals who are blind or vision impaired often rely on the use of orientation and mobility services to learn familiar routes, cancellations and changes to public transport networks can be disabling and disorienting. It is necessary to provide as much information as possible to ensure that individuals are able to plan well in advance to travel to required destinations efficiently and safely.

BCA members report that information about changes to public transport services, such as timetables, bus routes or bus stop infrastructure and bus operators, has improved on some services in some areas, particularly when that information is disseminated by text and smartphone apps.

However, as stated above, many people who are blind or vision impaired are over the age of 65 and do not use a smartphone so it is hard to access this information. Public transport operators and providers should have a clear strategy in place to ensure that the changes are effectively communicated to passengers who are blind or vision impaired in all formats, using both high tech and low-tech options.

### **Airlines - ticketing system**

BCA notes airlines are moving towards automatic ticketing and self check-in procedures. BCA members report problems with touch screens in particular, specifically in relation to check-in procedures and obtaining boarding passes for airlines. While

there are some moves to improve accessibility through using smartphones as tickets, the accessibility is not always being tested by people who are actually blind or vision impaired. That is the only way to ensure the accessibility standards are being applied and tested from the beginning of the development of a new product or system for public transport.

**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?**

**Airports**

BCA members report that the services for people who are blind or vision impaired in airports and by airlines has deteriorated over recent years.

***“Meet and assist” services***

Wayfinding – or the ability to be able to navigate an environment independently – can be extremely difficult for an individual who is blind or vision impaired in a busy airport environment. Crowds of people, queues, roped off areas and visual signage are just some of the things that can serve to complicate this experience.

Locating the appropriate terminal and check-in counter upon arrival at the airport are two of the functions that passengers who are blind or vision impaired may find difficult to carry out independently. BCA members are reporting that they are waiting longer for assistance and they are getting forgotten by airline staff. This is possibly because airline and airport resources are being stretched and are not being dedicated to assisting people with disability.

Ideally, airport personnel should be available to “meet and assist” the passenger from the taxi rank into the terminal and then, to the appropriate check-in counter. Subsequent to this, airport staff must ensure that the passenger safely passes through security and is ready to depart from the appropriate gate lounge, and then ensure that the passenger is taken onto the aircraft at the time of boarding. Arrangements should also be made with airport personnel at the passenger’s other destinations to ensure that they receive assistance to exit the aircraft, collect any luggage from the baggage carousel and then make their way to any connecting services that they wish to use.

***Airline booking systems***

People who are blind or vision impaired have reported numerous difficulties with booking their flights, particularly when travelling with dog guides. It is important for airlines to have systems in place that will allow people who are blind or vision impaired to be able to book their flights independently, without having to rely on sighted assistance. For online bookings, this involves ensuring that the website and subsequent booking processes meet certain accessibility requirements and can be operated using screen reading and magnification software that is used by people who are blind or vision impaired. This can be achieved through consultation with industry professionals and by adhering closely to the requirements of the World Wide Web Consortium’s Web Content Accessibility Guidelines 2.0.

However, it is important to remember that there are a number of factors that still may prevent some people who are blind or vision impaired from being able to utilise computer or smartphone technology – such as age, newly acquired vision loss or lack of access to the appropriate technology due to it being largely cost prohibitive. Even in instances where an individual does have access to the appropriate software, if they are not a proficient user, the booking process may take significantly longer than it would for someone who is sighted.

This highlights the importance of call centre staff being made available to assist with flight bookings over the phone. BCA notes many airlines operating in Australia have a policy to apply an additional service fee to customers when booking flights over the phone. As the concept of applying an additional service fee to someone who is unable to book their flights using alternative methods due to reasons of disability is discriminatory in nature, BCA strongly recommends that passengers who are blind or vision impaired be exempt from paying these additional charges.

Regardless of how a booking is made, it is essential that the passenger who is blind or vision impaired can indicate they will require “meet and assist” services on arrival and be responsive to company policy surrounding travel for persons accompanied by dog guides.

There is often confusion among airline staff when interpreting airline policy for passengers accompanied by dog guides; sometimes resulting in passengers being unfairly refused access to their flight. It is therefore essential for all airlines to develop and implement a standardised policy which reflects federal legislation governing access for persons accompanied by assistance animals<sup>13</sup>. Additionally, airlines must ensure that ground staff, as well as those customer service representatives responsible for phone bookings have a comprehensive understanding of company policy for dog guide travel.

Airport corporations need to make a commitment to having a consistent assistance for people with disability across domestic and international services within Australia.

*There is inconsistency in [airport/airline] services if you are a guide dog traveller. The services have deteriorated. It is difficult to book and difficult to get assistance in a timely manner from the cab, to the check-in to the gate. (BCA member, Melbourne)*

## **Trams**

BCA members are reporting that in some cases, while a tram might be accessible, the surrounding infrastructure, particularly the tram stop itself, may not be accessible.

People who are blind or vision impaired can face extra difficulty crossing busy roads if there is no clear access point, such as a pedestrian crossing or set of traffic lights with audible traffic signals.

BCA members report that the best way to ensure safe access is when a tram driver is aware of their presence when waiting for a tram to stop and can communicate with them when the tram and traffic has come to a stop.

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<sup>13</sup> Civil Aviation Regulations 1988, Regulation 256A.

Careful consideration should also be given to multimodal transportation, with transport authorities taking the necessary steps to ensure that nearby connecting bus and train services have an accessible path of travel, to allow passengers who are blind or vision impaired to be able to navigate from the tram stop to their final destination.

*Tram drivers need to be trained to be on the lookout for people who are blind. If I am waiting for a tram on the curb side, I sometimes have to walk around cars which is dangerous. Ideally, we would have conductors back on trams. (BCA member, Melbourne)*

## **Buses**

BCA members have raised the concern that buses do not always stop for people who are blind or vision impaired. Given the person who is blind or vision impaired cannot hail a bus, the general rule is that they are to stand at the bus stop facing the direction of the oncoming bus and driver. However, some people with specific vision issues cannot turn on certain sides due to balance issues and, as a result the bus drives past them.

It is imperative that all buses must stop for anyone standing at a bus stop with a white cane or dog guide. This type of detail needs to be specified in the Transport Standards.

*I would like to there to be a policy that all bus drivers must stop when they see a person with a disability. This should be included in the employment/job criteria for public transport staff. If it is not mandated it will not happen and there needs to be consequences if they do not stop. (BCA Member, Tweed Heads)*

*There are a lot of bus stops that are located on the side of the road without any footpaths and no guide to access the bus stop for blind people. This only applies outside of the CBD area. Over the last few years, the Tweed Council Access Committee has been working to address this issue. (BCA Member, Tweed Heads)*

*Often a bus stop may be placed next to a telegraph pole. If this happens often the driver will stop at the front of the bus stop, resulting in the telegraph pole being directly in the doorway causing an obstruction for both boarding passengers and people with disabilities getting off the bus. There needs to be a minimum physical distance between the pole and a bus stop. (BCA Member, Melbourne)*

## **Audible signals**

Similar to the issue of audible announcements on public transport conveyances, audible and tactile traffic signals in the infrastructure immediate to boarding a conveyance are also vitally important to safe and independent travel for people who are blind or vision impaired. This includes the location, installation, use and maintenance of audible and tactile traffic signals.

BCA members report that sometimes audible traffic signals within the infrastructure surrounding public transport, such as public buses, are not at a sufficient volume to help people navigate crossing a street.



The components of an audible traffic signal should comply both in structure and performance with the relevant Australian Standards<sup>14</sup>.

*In Brisbane, it is impossible to hear audible traffic signals across the road so as to be able to walk in a straight line. It is important to be able to hear the corresponding signal across the road so you can aim for that noise. The volume of the audible traffic signals needs to be turned up. (BCA Member, Brisbane)*

### **Tactile Ground Surface Indicators**

The correct placement of Tactile Ground Surface Indicators (TGSIs) along the train platform edges, and at the top and bottom of stairs and ramps can be extremely useful in maximising the safety and independence of people who are blind or vision impaired. BCA recommends compliance with the Australian Standard AS1428.4 in regard to the location, style and dimensions of TGSIs. This standard is expressly referred to in Part 18 of the Transport Standards<sup>15</sup> and so all operators and providers should be complying with this requirement.

To allow for adequate wayfinding, it is important that consideration is given to the placement of objects within the infrastructure immediate to boarding a conveyance. such as signs, short bollards, bike racks and street furniture. Many people who are blind or vision impaired will follow the building line when navigating a public area, so that they are able to maintain a straight line of travel. For this reason, care should be taken to make sure that building lines are as free from obstruction as possible. While it is important for signs to be placed at eye level, it is most useful for these to be placed on walls so that they do not obstruct the path of travel. Signs on posts should also be set back from the pathway.

The use of pedestal objects should also be carefully avoided. A pedestal object is one which has protruding components which are not detectable at ground level, such as a telephone booth that is affixed to a wall. As a person who is blind or vision impaired is unable to detect the presence of these objects with their cane, they can pose a significant threat to their safety and have the potential to cause great harm. BCA does not support the use of hazard TGSIs to warn of pedestal objects, as hazard indicators do not provide information about what the hazard is and their over-placement can be confusing for consumers. TGSIs should not be used to compensate for bad design.

TGSIs should be audited and monitored at regular intervals to ensure that the tiles are not broken and do not therefore pose a safety risk.

*In Adelaide over the last 5 years audible announcements for doors opening and closing on trams were introduced. While this was a positive development, the Government used this as a justification to subsequently remove the TGSIs from the city tram stops. I complained about this but nothing changed (BCA Member, Adelaide)*

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<sup>14</sup>Standards Australia, AS1742.10 Australian Standard - Manual of uniform traffic control devices - Part 10: Pedestrian Control and Protection; AS2353 Australian Standard - Pedestrian Push-Button Assemblies.

<sup>15</sup> Disability Standards for Accessible Public Transport 2002, Part 18: Tactile Ground Surface Indicators.

*In Brisbane, TGSIs mark where the bus stop is and this is very helpful. As I get older and suffer further hearing loss [in addition to vision loss], directional TGSIs would be very helpful in railway stations. (BCA Member, Brisbane)*

*Directional TGSIs are very good in Melbourne (BCA Member, Melbourne)*

## **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?**

### **National and consistent approach**

One of the aims of the Transport Standards should be to achieve greater consistency across Australia and to share information across states and territories. Three examples of state-based projects that have benefits or lessons for the whole of Australia are outlined below.

#### **Victoria – High Capacity Metro Trains**

BCA members have been involved in consultations regarding the High Capacity Metro Trains Project which is a public private partnership between the Victorian Government and Evolution Rail<sup>16</sup>. This project will roll out 65 new high capacity metro trains in Melbourne over the next 5 years. The consultation process engaged people with disability including people who are blind or vision impaired which has resulted in mostly good outcomes for people with disability.

BCA was represented by Mr Martin Stewart, a tireless advocate for safety on public transport. Working with Guide Dogs Victoria and Vision Australia, Martin identified four critical design floors in a prototype train:

- electrical maintenance cabinets were positioned under many of the priority seats, filling the space which would be safest for dog guides
- floor-to-ceiling poles were installed in the middle of every carriage and fewer seats were installed to encourage passengers to stand. These poles were directly in line with each door where people who are blind or vision impaired could easily collide with them
- the button on the prototype which opens the doors gave no tactile feedback (on most trains, train doors don't open automatically so the pressing of a button is required). At a busy station, it would be difficult to hear the door sliding open, and the audio feedback couldn't be heard in a loud carriage.
- a large gap between each of the train's carriages that could cause serious injury or death.

This last defect was personal to Mr Stewart who had had a serious accident in 2002 where he lost an arm and a leg, when he stepped into a gap between two carriages, assuming it was a doorway. The train dragged him 200m along the tracks.

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<sup>16</sup> Transport for Victoria 2018, High Capacity Metro Trains Project, <https://transport.vic.gov.au/our-transport-future/Our-projects/High-Capacity-Metro-Trains#new-train> , accessed on 9 November 2018.

Mr Stewart was able to explain all of these issues, and, in collaboration with other disability groups, all of them have been resolved in the following ways:

- there will no longer be maintenance cabinets under the priority seats.
- four of the seven carriages on each train will no longer include hazardous poles
- the audible feedback when doors are opened will now be loud enough for any station
- all the new high capacity trains would have “gangway gap barriers” built in, to prevent passengers from falling between carriages.<sup>17</sup>

### **Queensland – New Generation Rollingstock**

However, good outcomes such as that in Victoria did not extend to the design and roll out of new trains in Queensland. In 2012-2014, the Queensland Government procured New Generation Rollingstock (NGR) trains that have come into operation in South East Queensland. As noted above, many people with disability (including BCA members) reported that there are many inaccessible elements to the new trains now operating in Brisbane with poor accessibility and poor outcomes for people who are blind or vision impaired.

BCA understands that while the Queensland Government did have an Access Committee before and during the development of the NGR trains, very little *real* consultation was carried out with this committee in relation to substantial disability access issues, suggesting this was a tokenistic gesture to the disability community.

Earlier this year the Queensland Government and Queensland Rail made a joint application to the Australian Human Rights Commission to obtain an exemption from the DDA and the Transport Standards because the trains were not compliant with the Transport Standards. The AHRC announced on 29 March 2018 that it will not grant the majority of the temporary exemptions sought by the Queensland Government and Queensland Rail because the NGR trains do not comply with the Transport Standards. The AHRC said:

The DDA has made it unlawful for public transport providers to discriminate on the ground of disability since 1993. Since 2002, when the Transport Standards came into operation, all new conveyances — including trains — must comply with the Transport Standards.<sup>18</sup>

Unfortunately, the NGR trains will continue to operate in Queensland (with the Queensland Government making a promise to “fix the trains”) while the only form of recourse for people with disability is to lodge a complaint with the AHRC.

These two examples highlight how strong and prescriptive national Transport Standards need to be in order to ensure all new public transport conveyances are designed and developed to be accessible to all Australians across all areas.

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<sup>17</sup> Craig, Jonathan, Blind Citizens Australia, *Closing the gap on Melbourne’s trains*, 28 September 2018.

<sup>18</sup> Australian Human Rights Commission, State of Queensland Temporary Exemption Application – The Commission’s Decision, 29 March 2018, <https://www.humanrights.gov.au/our-work/legal/exemptions/exemption-applications-under-disability-discrimination-act-1992-cth>

It also demonstrates the difference between the two procurement processes conducted by the Victorian and Queensland Governments in relation to consulting disability groups – including people with lived experience of disability. The Victorian process was comprehensive and worked well with many good outcomes for people who are blind or vision impaired. Unfortunately, the Queensland process was unacceptable and resulted in many poor outcomes for all people with disability and further work and costs for taxpayers to incur to “retrofit” the NGR trains to ensure accessibility.

### ***Electronic Beacon System***

Public Transport Victoria and Guide Dogs Victoria launched a pilot program in 2017 trialling an electronic beacon system at Melbourne’s Southern Cross Station that helps users obtain relevant information about their surroundings and instructions on where they need to go through an app<sup>19</sup>. There is also a similar trial being conducted in New South Wales.

These types of trials and their results and learnings should be shared between jurisdictions.

### **Customer service**

Many BCA members submitted that there needs to be customer service officers, train guards and various other staff on all forms of public transport to assist or “meet and assist” people who are blind or vision impaired. Technology cannot replace human assistance and problem solving for individuals.

One example is the continuing need for guards on trains. BCA members have been heavily involved in consultations with the NSW Department of Transport and the NSW Transport Minister. On 22 October 2018, the NSW Transport Minister, Andrew Constance, said that the new fleet of intercity trains in NSW will not be “driver-only”, as previously announced, and guards will continue to operate at train stations. Mr Constance said he was persuaded by BCA member, Mr Martin Stewart and his accident on Melbourne trains where there were no guards present.<sup>20</sup>

For example, in Melbourne, the Yarra Trams have people in yellow vests that are there to assist. While people who are completely blind may not be able to identify them themselves, they can ask other passengers around them to direct them to the “people in yellow vests”.

It would also help to have support staff on trains in addition to being in stations. BCA members report that in Sydney the number of staff at stations is being cut at night – this restricts the choice of people to go out at night, particularly those who are blind or vision impaired and may require assistance and for security reasons.

Other important elements of customer service include:

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<sup>19</sup> <https://www.guidedogsvictoria.com.au/news/gdv-new-beacon-technology/>

<sup>20</sup> <https://www.facebook.com/AConstanceMP/photos/a.571702489635179/1165022370303185/?type=3>

## ***English Literacy***

Having effective skills in verbal communication is crucial to providing passengers with an adequate level of customer service – but is even more important for those passengers who are unable to observe body language or printed information.

While BCA does not endorse discrimination against people from non-English speaking backgrounds, we encourage rail authorities and train operators to seriously consider the impact that a significant communication barrier may have on passengers who are blind or vision impaired.

We therefore recommend that public transport authorities, providers and operators adopt a Basic English literacy test which must be undertaken by all future frontline staff, to ensure that they are able to effectively communicate with passengers and understand their needs. This training should apply to staff responsible for providing customer assistance (face to face and over the telephone), as well as those staff who are responsible for making voice announcements both on trains and train platforms.

## ***Disability Awareness training***

All public transport authorities, providers and operators should ensure their staff have regular and ongoing disability awareness training to ensure staff are provided with strategies to allow them to effectively communicate with, and meet the needs of passengers with a disability. BCA would support disability and accessibility awareness training and requirements being made a work condition in all employment contracts and job descriptions of staff of providers and operators of public transport to ensure all staff comply with the Transport Standards.

Disability awareness training should be undertaken by all new members of staff as part of their induction training. All staff, not just those staff dealing directly with passengers, should attend these training programs as soon as practical after commencing work with the transport provider and should be required to attend a refresher training program at regular intervals. At a minimum, training should include:

- appropriate language e.g. how to communicate with a person who is blind or vision impaired
- appropriate technique for guiding a person who is blind or vision impaired
- the role of orientation and mobility aids like the long cane and the dog guide
- access requirements for persons accompanied by dog guides
- the use of formats other than standard print
- the entitlement of people who are blind or vision impaired to a Vision Impaired Person's Travel Pass and an understanding of the entitlements associated with this pass.

It is also imperative that call centre staff have accurate and up-to-date timetable information on-hand so that they can adequately respond to enquiries from individuals.

### **Accessible information**

As stated above, there is an ongoing need for both low tech and high-tech options for obtaining information, accessing timetables, buying fares, being alerted to delays and construction; and understanding one's location in the transport network during a journey.

Low tech options include pushing a button at a tram stop and being able to call an information line (such as an 1800 number) and talk to a person to obtain up-to-date information.

## **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?**

### **Procurement**

There are many interconnecting issues that relate to the Transport Standards – in particular design, implementation and infrastructure. Therefore, any government procurement needs to ensure new public transport conveyances and infrastructure include all necessary accessibility features.

Broad consultation regarding disability access at the design stage of any government acquisition should be a standard aspect of procurement processes.

Unfortunately, in the case of the NGR trains in Queensland, the Queensland Government did not have disability access as a standard feature of procurement processes. In its August 2018 submission to the Commission of Inquiry into New Generation Rollingstock Trains, BCA called for the depoliticisation of procurement processes relating to disability access requirements. BCA submitted that disability access practices need to become embedded in all government activities and procurement processes, and should be given the highest priority from the beginning of any procurement and/or design process. Had this occurred in the case of the NGR trains, a much better result could have been achieved for people with disabilities far more quickly and without the need for costly retro-fitting<sup>21</sup>.

Where public transport services are provided by private operators, in accordance with any tendering or contractual arrangements, it should be a condition of the contract that the operator will provide an accessible service for people with disabilities. An operator who fails to provide an accessible service for people with disabilities should be regarded as in breach of its contract with the Government and should be subject to appropriate sanctions.

BCA notes the NDS has the following statement as one of its key areas for future actions – “Promote universal design principles in procurement”<sup>22</sup>. This demonstrates yet again the commitment all Governments in Australia have made to accessible public transport from the design phase onwards. Therefore, it is all the more disappointing that the Queensland Government procured inaccessible trains for the NGR project. This

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<sup>21</sup> Blind Citizens Australia, *Submission to the Inquiry into the Procurement of New Generation Rollingstock Trains*, 23 August 2018.

<sup>22</sup> Council of Australian Governments, *National Disability Strategy 2010-2020*, p.35.

further demonstrates the need for tough sanctions against any organisation who is in breach of the Transport Standards.

### ***Universal Design***

As stated above, the incorporation of universal design into all public transport conveyances and the surrounding infrastructure is essential in the design and procurement phase of any new public transport projects. This needs to include product and user testing by people with disability, including people who are blind or vision impaired. This avoids the need to review or retrofit an element of public transport that is discovered to be inaccessible at a later date, saving time and money for Governments as well ensuring people with disability have accessible services from the beginning.

### **Audible announcements**

As stated above, one key issue of accessibility is audible announcements. The Transport Standards do not currently include prescriptive requirements for the provision of accurate and timely audible announcements on board public transport.

The Transport Standards need to be amended to explicitly outline and reinforce the importance of audible announcements, and include more prescriptive measures to guide the effective implementation of audible announcements.

*Melbourne trams sometimes only have one speaker in the middle of the tram so those in the priority seats at the front of the tram cannot hear the announcements (if they are made). (BCA Member, Melbourne)*

### ***International Precedent – Ontario, Canada***

An example of such measures can be found in Canada. In 2005, the Ontario Government passed the *Accessibility for Ontarians with Disabilities Act (AODA)* to make Ontario accessible by 2025. Accessibility standards have been created as part of the AODA and the Transportation Standard has become one part of the Integrated Accessibility Standards Regulation which is now law<sup>23</sup>.

Section 52 of the Transportation Standard, sets out in detail the requirements for “On-Board Announcements”:

- (1) Every conventional transportation service provider shall ensure that there are audible verbal announcements of all destination points or available route stops on its transportation vehicles while the vehicle is on route or while the vehicle is being operated.
- (2) Every conventional transportation service provider shall ensure that all destination points or available route stops,
  - (a) are announced through electronic means; and
  - (b) are legibly and visually displayed through electronic means.
- (3) For the purposes of clause (2) (b), visual displays of destination points or stop information shall satisfy the requirements set out in section 58.
- (4) This section applies in respect of the following:
  - (a) Transit buses.
  - (b) Motor coaches.
  - (c) Streetcars.
  - (e) Light rail.
  - (f) Commuter rail.

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<sup>23</sup> Accessibility for Ontarians with Disability Act, <https://www.aoda.ca/a-guide-to-the-integrated-accessibility-standards-regulation/#intro>, accessed on 8 November 2018

(g) Inter-city rail.”<sup>24</sup>

This is a good example of how prescriptive the Transport Standards could be in order to ensure audible announcements are made effectively on public conveyances.

## **Braille**

More specific requirements about how to present Braille or tactile telephone number and stop number information at bus stops to aid passengers who are blind or vision impaired should be included in the Transport Standards. If trying to determine timetable information either over the telephone, internet or using a smartphone application, for example, members have indicated that they are often required to know the stop number. If this is not made accessible, it greatly minimises the usability of these timetable services.

Reference needs to be made to the Australian/New Zealand standard AS 1428.1 in the application of Braille and tactile lettering.<sup>25</sup>

### **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?**

#### **Enforcement of standards**

BCA is very concerned that the Government continues to review the Transport Standards every 5 years but if there is no enforcement of the Transport Standards and no consequences for non-compliance with the standards, then progress towards accessibility will be very slow.

BCA submitted in its 2013 submission to the second review of the Transport Standards that one of the biggest gaps in the Transport Standards is the urgent need to strengthen the enforceability of the Transport Standards. That is, there needs to be a move away from an individual complaints-based mechanism to enforceability mechanisms.

#### ***Sydney Trains – the case of Graeme Innes vs Railcorp***<sup>26</sup>

BCA submits that where access to public transport has improved, many of these improvements have been a result discrimination actions taken by people who have experienced systemic discrimination and who had to take their complaint all the way to the Federal Court. An example of this can be seen in the case of Innes V RailCorp.

With the support of the Public Interest Advocacy Centre, former Disability Discrimination Commissioner, Graeme Innes AM, pursued RailCorp in the Federal Circuit Court for its failure to provide appropriate on-board announcements on Sydney trains. Mr Innes, who is blind, alleged that Railcorp failed to make audible announcements on 36 train

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<sup>24</sup>Section 52 of Transportation Standard, *Accessibility for Ontarians with Disability Act*, <https://www.aoda.ca/a-guide-to-the-integrated-accessibility-standards-regulation/#sect52>

<sup>25</sup> Standards Australia, Australian Standards 1428.1 – 2009: Design for access and mobility, 27 November 2009,

[https://infostore.saiglobal.com/preview/319757334933.pdf?sku=127773\\_SAIG\\_AS\\_AS\\_274509](https://infostore.saiglobal.com/preview/319757334933.pdf?sku=127773_SAIG_AS_AS_274509)

<sup>26</sup> Innes v Rail Corporation of NSW (No 2) [2013] FMCA 36 (1 February 2013)



journeys between 28 March 2011 and 9 September 2011, amounting to unlawful discrimination.

The matter was advanced to the Federal Circuit Court following two years of Mr Innes failing to see the matter resolved by making complaints to the relevant Minister and Department.

In February 2013, the Federal Circuit Court found that RailCorp had breached the DDA and the Transport Standards. The case led to significant improvements in the frequency and audibility of on-train announcements on Sydney trains.

While this case was successful, it was very time consuming and a protracted process for an individual to undertake. To maximise the effectiveness of the Transport Standards for people with disability, the government must adopt a more proactive, compliance-based approach to accessibility.

This approach has been endorsed by the Committee on the Rights of Persons with Disabilities. In its concluding observations on the initial report of Australia (handed down in 2013), the Committee on the Rights of Persons with Disabilities stated:

The Committee notes that the Disability Standards for Accessible Public Transport 2002 and the Disability (Access to Premises – Buildings) Standards 2010 introduce regulations to address accessibility barriers for persons with disabilities. However, it remains concerned at the level of compliance with accessibility standards and regulations. The Committee recommends that sufficient resources be allocated to ensure monitoring and implementation of the Disability Standards and requirements<sup>27</sup>.

Further, recommendation 2 in the final report from the second review of the Transport Standards in 2012 echoed this approach, recommending 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<sup>28</sup>.

This recommendation was supported in principle by the Government, but as noted in the Issues Paper, has not yet been implemented. BCA asserts that the Transport Standards will not be effectively and consistently implemented until such time as a more proactive, compliance-based framework is introduced.

In 2017, in its submission to Government on the Whole Journey Guide, BCA recommended that the Department of Infrastructure and Regional Development must progress the establishment of a national framework for reporting on progress against the Transport Standards as a matter of urgency. BCA reiterates this recommendation.

As stated above, the Ontario Government in Canada passed the *Accessibility for Ontarians with Disabilities Act* (AODA) including a Transportation Standard that has become one part of the Integrated Accessibility Standards Regulation. The AODA has a compliance assurance framework that includes a series of processes to make organisations comply with the AODA and its standards which has been implemented to effectively oversee compliance and enforcement of the AODA.

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<sup>27</sup> Committee on the Rights of Persons with Disability, *Concluding observations on the initial report of Australia*, adopted by the Committee at its tenth session, 21 October 2013.

<sup>28</sup> Department of Infrastructure and Regional Development, *Review of the Disability Standards for Accessible Public Transport 2002 – Final Report*, July 2015.

The Ontario compliance assurance framework requires the following:

- mandated accessibility reporting
- audits and inspections
- court enforcement and prosecution including potential fines for non-compliance.<sup>29</sup>

Australia urgently needs to consider a similar enforcement framework to ensure the extensive work of drafting and reviewing the Transport Standards is realised through implementation.

### **Exemptions from the standards**

BCA is aware that the AHRC has granted the Australasian Railway Association, the peak industry body representing Australian railway operators, exemptions from the DDA, the Transport Standards and the *Disability (Access to Premises – Buildings) Standards 2010* (Cth)<sup>30</sup>. These exemptions related to core access features for train stations; including access paths, doorways, signage and TGSIs. The latest exemption decision was made by the AHRC on 1 October 2015 and was for a period of 5 years.

Granting exemptions to public authorities only serves to undermine the Transport Standards and makes them impossible to enforce. In light of the fact that transport providers were given between 5 and 30 years to fully comply with the Transport Standards, the granting of exemptions goes against the spirit of the UNCRPD and will only serve to prolong accessibility issues for passengers with disability.

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

### **Taxis and Ride sharing**

New ways of providing public transport, such as ride-sharing, has had mixed success for people who are blind or vision impaired. Some people found ride-sharing services such as Uber to be a more positive experience than taxis but most people who are blind or vision impaired were concerned about the lack of regulation, being unable to use a taxi subsidy card and the lack of security cameras.

Other people said that the rating systems of ride sharing apps were helpful in a broad way but there were no appropriate mechanisms for complaints with new unregulated modes of transport, for example, if a car does not turn up or if it refuses to take a dog guide.

Given the increased use of ride-sharing services by people with disability, it is imperative that the Transport Standards are amended to ensure they are flexible enough to apply to new services such as these.

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<sup>29</sup> *Accessibility for Ontarians with Disabilities Act 2005*, Ontario Regulation 191/11 – Integrated Accessibility Standards, Part V – Compliance.

<sup>30</sup> Australian Human Rights Commission, Australasian Railway Association – Notice of application for temporary exemption, <https://www.humanrights.gov.au/australasian-railway-association-ara>, accessed on 9 November 2018.

*My taxi experience [in Newcastle] has been mostly difficult. Uber has been a more positive experience. The service from Uber has been generally better and seemed more accountable as they can be rated. Better assistance was provided. (BCA Member, Newcastle)*

*In regard to ride share services like Uber, there is no real compliance and accountability. It is harder to make complaints around accessibility so the Transport Standards need to start including ride share services. (BCA member, Sydney)*

*There is a great community bus service in Tamworth where they will pick me up for \$6! (BCA Member, Tamworth)*

## **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 processes for all public transport is based on passengers making a complaint about an inadequate service. The results of such a complaint are patchy – sometimes complaints are resolved and sometimes there is no response. This varies from state to state and service to service. This takes time and energy on behalf of the person with disability and would result in the under-reporting of problems with public transport.

As an organisation which assists people who are blind or vision impaired to make formal complaints relating to the Transport Standards, BCA feels that while many people who are blind or vision impaired are aware that they can make complaints using the DDA, the process is often quite daunting. In many instances, complaints can run for months or even years and cause great distress. Transport providers often have extensive financial and legal resources, which provide an advantage if conciliation through the AHRC fails and the matter has to go to the Federal Court.

As mentioned above, there was a successful outcome in the case taken by Graeme Innes against RailCorp in Sydney regarding the lack of audible announcements on Sydney trains. That case demonstrates just how difficult it is for people with disability to ensure their rights are upheld in the current regulatory environment. Furthermore, although Mr Innes efforts did lead to a systemic improvement in the quality and frequency of announcements on-board Sydney trains, the fragmented nature of Australia's federated system means that these changes will not automatically have a flow-on effect for transport services in other states and territories. To maximise the effectiveness of the Transport Standards for people with disability, the government must therefore adopt a more proactive, compliance-based and national approach to accessibility.

Public transport is not independently audited in relation to the compliance of providers and operators with the Transport Standards. Instead of a system being based on complaints from passengers, particularly those with disability, the Transport Standards need to include an obligation on the operators and providers of public transport to ensure they are in compliance with the Transport Standards and regular independent audits need to be carried out.

This would include a monitoring system for public transport action plans to ensure a thorough auditing process.

BCA made a submission to the first review of the Transport Standards in 2007<sup>31</sup>. At that time, we stated that, the only consistent measures of progress available to BCA are member feedback and complaints to the AHRC (then the HREOC). Unfortunately, 11 years later, this is still the case. There is no consistent compliance reporting and auditing mechanism for States and Territories. This makes it difficult to gauge both the true level of compliance and the degree of inconsistency between States and Territories. The level of active non-compliance – rates at which providers are not complying and do not have exemptions – also remain unmonitored.

*I made a complaint to V-Line as I was left behind. They got back to me quickly and sent a taxi to drive me 400km. (Member, Tamworth)*

*Complaints processes for taxi services are ineffective as it is centralised and complaints are rarely resolved. Better compliance is needed. (BCA member, Sydney)*

## **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?**

As stated above, as a body representing the views of people who are blind or vision impaired, BCA has made many submissions and contributed to many consultations since its inception in 1975. Unfortunately, progress is slow and resource-intensive and sometimes it is difficult to see real and substantial change occurring.

However, BCA is happy to continue to advise governments on the needs of people who are blind or vision impaired as well as provide services such as disability awareness training and other advisory services to ensure the Australia has an inclusive and accessible community for all.

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

### **Acceptance of the Vision Impaired Person's Travel Pass**

People who are blind or vision impaired typically experience much higher costs of daily living due to the non-optional costs associated with their disability. In recognition of this fact, on 1 January 2003, the National Blind Travel Pass was introduced in all Australian States and Territories. Although entitlements may vary slightly between States and Territories, at minimum, the pass entitles the holder to free travel on all government bus services.

While private operators may make discretionary decisions regarding the acceptance of the Blind Travel Pass, BCA strongly encourages all operators to honour the pass as a means of enhancing access to services for people who are blind or vision impaired.

In circumstances where the pass holder is accessing transport in a State or Territory other than that where the pass has been issued, a nationally consistent approach is

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<sup>31</sup> Blind Citizens Australia, Submission to the Review of the Disability Standards for Accessible Public Transport 2007, p.3.

desirable where the individual is able to access the same entitlements that are granted to any other pass holder in that State or Territory.

*Not being able to use the travel pass in different areas other than my regional area is a big concern for me. I want access to independence and travel. This is direct discrimination against rural and regional areas. (BCA member, Tamworth)*

## **Conclusion**

BCA appreciates the opportunity to provide feedback on this consultation so that together we can strive to improve the outcomes of Australians who are blind or vision impaired now, and into the future.

Compliance with the Transport Standards would ensure accessibility not only for people with disability but would benefit the whole population.

After 16 years and two previous reviews of the Transport Standards as well as many other related consultations on transport and surrounding infrastructure, BCA is concerned that real and uniform changes to accessibility are yet to be fully realised in Australia.

The example of the Queensland Government and Queensland Rail designing, procuring and rolling out 75 new trains under the NGR project that were not accessible epitomises the current ineffectiveness of the Transport Standards due to a lack of enforceability.

As stated above, BCA is happy to continue to provide more feedback to the Government as to how to prescribe all accessibility requirements for people who are blind or vision impaired but until there is a comprehensive compliance and enforcement framework in place, the Transport Standards will never be a nationally consistent regulation of accessible public transport.

BCA looks forward to the outcome of this Third Review of the Transport Standards resulting in real change for all Australians, particularly those who are blind or vision impaired.