



Australian Federation of Disability Organisations

Submission on the Review of the Disability Standards for Accessible Public Transport 2002

21st December 2018

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About AFDO

Since 2003, the Australian Federation of Disability Organisations (AFDO) has been the recognised national peak organisation in the disability sector, along with its disability specific members, representing and run by people with disability or lived experience of disability.

AFDO's mission is to champion the rights of people with disability in Australia and support them to participate fully in Australian life. AFDO has strong relationships, not just with its member organisations, but across the disability sector including peaks representing service providers as well as those representing families and carers.

As one of the three founding members of the National Disability and Carer Alliance, AFDO played a key role in the campaign for the introduction of the National Disability Insurance Scheme (NDIS) through its "Every Australian Counts" campaign. As the NDIS has moved through the trial phase and begun the transition to full scheme, AFDO and its members have continued to work constructively with the National Disability Insurance Agency (NDIA) as well as Commonwealth, State and Territory governments to provide critical feedback and address implementation issues as they arise.

Our Members represent disability specific communities nationally with a total reach of over 1,700,000.00 million Australians

AFDO continues to provide a strong, trusted, independent voice for the disability sector on national policy, inquiries, submissions, systemic advocacy and advisory on government initiatives with the Federal and State/Territory governments.

AFDO's members include:

Blind Citizens Australia

Brain Injury Australia

Deaf Australia

Deafblind Australia

Autism Aspergers Advocacy Australia

Down Syndrome Australia

Physical Disability Australia

Disability Advocacy Network Australia

Disability Justice Advocacy

People with Disability WA

Disability Resources Centre

Inclusion Australia (NCID)

People with Disabilities ACT

Women with Disabilities Victoria

Enhanced Lifestyles

Deafness Forum of Australia

Women with Disabilities ACT



Introduction

Transport is an essential service for people with disability to achieve full social and economic participation in the community.

Australia's obligations to provide accessible public transport are outlined in the Convention on the Rights of Persons with Disability and the National Disability Strategy 2010 – 2020.

Article 9 of the Convention on the Rights of Persons with Disability describes the right to accessibility and the obligation of the State to realise that right;

1. 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, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:
 - (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
 - (b) Information, communications and other services, including electronic services and emergency services.
2. States Parties shall also take appropriate measures:
 - (a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
 - (b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
 - (c) To provide training for stakeholders on accessibility issues facing persons with disabilities;¹

Similarly the National Disability Strategy 2010 – 2020 in Outcome Number One – Inclusive and Accessible Communities Policy Direction 4 requires “A public, private and community transport system that is accessible for the whole community”²

¹ The United Nations – Disability: Department of Economic and Social Affairs. The Convention on the Rights of Persons with Disability <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

Despite these two powerful international and domestic goals guiding Australia towards an equitable community people with disability are as frustrated as ever with what they see as the glacial progress towards fully accessible public transport.

Whether it be equitable representation on key decision making bodies such as NAPTAC, public transport accessibility in regional and rural areas of Australia, bringing school buses within the framework of the Disability Transport Standards, decreasing waiting times for accessible taxis or facilitating disability access to, on and off aircraft, it seems people with disability are stuck in a 'Groundhog Day' experience.

This is where the same things get raised in each Review of the Transport Standards with little or no progress towards a fully accessible public transport system.

“The impact of this, the person with the disability might not be able to get out into the community. The impact to them, it could affect their life for the rest of their life. They may not be able to get the service they get, nobody is consulted.

The problem is they're going to end up back at home and not being able to access the community as a normal person. We're just people, we're not a robot. That's where the problem is. Sometimes they think we're not human.”³

A Lack of Real Progress: Previous Reviews, Recommendations & Commonwealth Responses

“The transport standards are a really important mechanism by which Australia seeks to comply with our international legal obligations to establish a process to eliminate discrimination against people with disability and they're also a means by which Australia can enable the realisation of other internationally recognised human rights that are afforded to people with disability. This includes article 33 of the Convention on the Rights of People with Disability, which creates a positive obligation on national governments to design an effective framework by which they are required to meaningfully implement the convention into domestic legislation and civil society.”⁴

AFDO is concerned about the lack of implementation of a significant number of recommendations from the two previous reviews of the Transport Standards.

² Commonwealth Government National Disability Strategy 2010 – 2020

https://www.dss.gov.au/sites/default/files/documents/05_2012/national_disability_strategy_2010_2020.pdf

³ Comment from a person with disability representing New South Wales Council for Intellectual Disability at the AFDO / AHRC Transport Forum Friday 9th November 2018 Sydney

⁴ Comment from the Public Interest Advocacy Centre at the AFDO / AHRC Transport Forum Friday 9th November 2018 Sydney

AFDO reviewed and analysed the two previous submissions and found that the same issues had been raised, the same recommendations made and yet on the majority of issues and recommendations no tangible progress had occurred. Whilst the Commonwealth responses to each Review of the Transport Standards has always been with supportive statements, these have not translated into real action or outcomes.

The Commonwealth has abandoned people with disability in relation to acting as a driver for change with the states and territory jurisdictions and the transport industry. The most notable example of this abandonment is the lack of any action in relation to Recommendation 1 from the two previous reviews relating to the development and implementation of a National Framework for reporting on progress against the standards (Recommendation 1 in 2011 and also 1 in 2015)

An analysis of the recommendations from the **two previous reviews shows that of the total of twenty two recommendations only five have evidence of action.**

2007 Review;

In the **2007 Review** tangible progress of recommendations was found on only 4 of the total recommendations being:

Recommendation 3

A technical experts group be convened, with Standards Australia, to develop technical standards specifically suited to public transport conveyances and infrastructure. Once developed, these Standards should be referenced in the Transport Standards, and made available for public use.

Recommendation 8

The AHRC be tasked to provide greater support for representative complaints on behalf of people with disability, reducing the legal cost burden on individuals.

Recommendation 9

New governance arrangements be implemented to establish accountability for progressing recommendations from the five-year Review. APTJC should have coordinating responsibility for new initiatives (including modal committees and the technical experts group) in partnership with APTNAC.

Recommendation 12

Government commission research into the safety of passengers travelling in conveyances whilst seated in mobility aids (including scooters). This research should make recommendations around whether there is a need for an Australian Standard addressing this aspect of safety for mobility aids.⁵

AFDO commends all those who ensured that these recommendations were realised.

⁵ Australian Government: Review of the Disability Standards for Accessible Public Transport 2002 June 2011

2012 Review;

It's a very different story with the **2012 review where only one recommendation had any tangible progress being:**

RECOMMENDATION 4

That the Australian Government, jointly with state, territory and local governments, develop accessibility guidelines for a whole-of-journey approach to public transport planning by 30 June 2016.⁶

AFDO commends all those who ensured that Recommendation Four was realised, however, there remain seventeen recommendations from the two reviews that do not show any evidence of action.

It is alarming that in key areas that would build the capacity, authenticity and applicability arising from recommendations of the two previous reviews have had little or no tangible progress including:

- The establishment of a National Framework for reporting on progress against the standards
- Concerns about the equity of the Complaints Process
- Develop and implement a national motorised mobility device labelling scheme
- The lack of consistent national compliance milestones and response times for wheelchair accessible taxis by 31 December 2016
- Little or no data is available regarding accessible public transport
- Patchy and uneven development of accessible public transport in rural and regional areas of Australia
- Timelines for the inclusion of School Buses and Community Transport vehicles into the Disability Transport Standards that are farcical and insulting
- Accessible airline transport that is out of step with international benchmarks

AFDO commends the Commonwealth Government on establishing guidelines for Disability Access Facilitation Plans and understands that guidelines for a national mobility device labelling scheme are being developed.

However, it seems clear that the structural flaw around the capacity to enforce guidelines, and impose consequences when those guidelines are breached, including in the Disability Transport Standards themselves, highlights the inability to action recommendations from the Reviews. An example of this structural flaw highlighting the lack of compliance and consequence of breaching compliance is the recent behaviour

⁶ Australian Government: Review of the Disability Standards for Accessible Public Transport 2002 July 2015

of the Queensland Government and their response to the inaccessibility of the newly purchased trains. Guidelines are useful, but not if no one pays attention to them and there are no means for redress.

“In the view of the Public Interest Advocacy Centre (PIAC), the review is a critical process because the results of each review need to be properly considered to ensure amendments to the transport standards and other changes are made to improve the operation of the standard on the whole and it's also particularly important because section 34 of the Disability Discrimination Act confirms that where a person complies with the disability standard, they also are complying with the Disability Discrimination Act. So with that kind of declaration, it's really important that when somebody is deemed to have been compliant with the standard, we actually know that they're complying and not in breach of the substantive law.”⁷

Representation

AFDO would like to commend the work of People with Disability Australia and the National Ethnic Disability Alliance for their work representing people with disability on the National Accessible Public Transport Advisory Committee (NAPTAC). In the face of structural challenges around the equitable nature of the representation by people with disability on NAPTAC these two organisations have been able to ensure the voices of people with disability are well represented at the table.

AFDO also understands that the Australian Human Rights Commission has also recently been invited onto NAPTAC which AFDO commends.

AFDO is concerned about the equitable representation of people with disability in the national conversation about accessible public transport and this includes equitable representation on NAPTAC.

Despite the reported goodwill that exists in NAPTAC to the realisation of accessible public transport the inequitable nature of a committee like NAPTAC where transport industry representatives are in the overwhelming majority inevitably means poorer accessibility outcomes for people with disability.

Full compliance of school buses and community transport being pushed out to 2044 is a prime example of this inequity which people with disability with a history of transport advocacy have been demanding from the inception of the Disability Transport Standards.

AFDO is aware of the many talented people with a long history in disability transport issues who are articulate and passionate about accessible public transport across Australia. AFDO is aware that almost every state has a transport advisory group of some kind. The pool of people with disability who are articulate and informed is

⁷ Comment from the Public Interest Advocacy Centre at the AFDO / AHRC Transport Forum Friday 9th November 2018 Sydney

extensive. It is unclear to AFDO why this inequitable representation of people with disability on NAPTAC exists.

AFDO believes that it is not just the responsibility of Government and the Transport Industry to ensure equitable representation. The disability sector also has a responsibility to contribute to mechanisms by which people with disability can contribute to the national conversation around accessible transport.

To that end AFDO has brought together a range of interested stakeholders with a history of transport advocacy and is developing a proposal for a National Network for Transport Advocacy. AFDO sees a National Network of Transport Advocacy as another mechanism by which people with disability can contribute to the strategic conversation about a nationally consistent accessible public transport.

Accountability and Enforcement

AFDO's primary concern is how compliance with the Transport Standards is not effectively enforceable. Currently, the only mechanism for ensuring compliance with the Transport Standards is through a complaints process which necessitates this being instigated individually by people with disability and mirrors the complaints process under the Commonwealth Disability Discrimination Act 1992 (DDA) .

The inability for the Transport Standards (and the anti-discrimination legislation it is embedded in) to enforce any compliance in the operation of public transport services also means it has no force at the design, tender/quotation stage, or development and building stage, leading to accessibility oversights that require costly rectification works or that are simply ignored such as what happened recently in Queensland.

Recently, the Australian Human Rights Commission's decision to deny the Queensland Government and Queensland Rail a temporary exemption from parts of the Transport Standards (and certain provisions of the DDA) for their New Rolling Stock (NGR) trains, and the Queensland Government's subsequent plan to use the non-compliant trains regardless, cogently illustrates the lack of legislative teeth and ineffectual enforcement mechanisms of both the Transport Standards and the AHRC in this area.

AFDO is also concerned about the current dissonance between the Transport Standards and the Disability Discrimination Act highlighted by *Haraksin vs Murrays Australia* (2013). This is an example of the flaws that exist around accountability and enforcement of the Transport Standards. AFDO believes that a breach of the Transport Standards should be unlawful and that the Transport Standards should be amended to reflect this position.

“A fundamental problem with the transport standards relates to enforcement or the ability to enforce the standards and these are the same limitations with the enforcement of the Disability Discrimination Act, which many of you will be familiar with, but there is overall a lack of enforcement mechanisms other than through individual complaints. The current individual complaints-based process is not appropriate for adequately and equitably addressing the implementation of

the standards and there are a number of limitations on the use of legal processes by individuals to enforce compliance of the transport standards, notably costs, but the only real way to enforce the standards now is to have an individual lodge a complaint to the Australian Human Rights Commission or to bring a proceeding to the Federal Court.”⁸

Complaints

AFDO feels strongly that the reliance on individual complaints for the enforcement of the Disability Transport Standards impedes the capacity of the Standards to act as a driver for change to accessibility of public transport. This primarily places an unnecessary administrative burden and also an onerous financial risk on people with disability who should now have equitable access to Australia’s public transport infrastructure as required by the Transport Standards as with any other service user.

The complaints process, which is mediated by the Australian Human Rights Commission (AHRC), brings the complainant, normally a person with disability, and a respondent, normally a public transport operator or provider, together to negotiate a settlement.

The person with disability is normally only able to represent themselves, while the respondent often has a team of lawyers. Because of the inherent unfairness of this system, the resulting negotiated settlement, if one is reached, may still not result in compliance with the Transport Standards.

While it is true that complainants may seek to have unresolved discrimination complaints adjudicated by the Federal Courts, this is often not a viable course of action for many people with disability as it further exposes them to financial risk.

As noted above, the complaints system can only be used to seek compensation for discriminatory conduct. It cannot stop public transport operators from purchasing and using non-compliant conveyances for considerable lengths of time. This is at odds with the fact that litigations costs are an inherent part of the process of bringing a complaint on and can run into the tens of thousands of dollars. AFDO believes that costs should be borne by each party.

“Just speaking from the kind of very remote context, so working in indigenous communities which are up to 12 hours drive from their closest regional hub, people are very vulnerable in terms of accessing services and I think there's issues in terms of the complaints process about nervousness about the process, lack of awareness of the process, but more than that, people not actually even feeling entitled or empowered to have access to accessible transport in the first place. So obviously that's an issue around community education. I think it gives another reason why the enforcement mechanisms and accountability and consequences need to be more broad than just the individual complaints process

⁸ Comment from the Public Interest Advocacy Centre at the AFDO / AHRC Transport Forum Friday 9th November 2018 Sydney

because I feel like it's only going to be certain people that are really going to feel empowered to access that process in the first place.”⁹

Data Collection, Monitoring and Review

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

Recommendation 1 of the Report of the 2012 Review provided that “the Commonwealth Government, jointly with state and territory governments, establish a national framework for reporting on progress against the Transport Standards”.

We are concerned that the lack of a nationally consistent audit of Transport Standards compliance is preventing the review from measuring progress against compliance targets with any accuracy; an issue that was recognised by the Commonwealth Government back in the first 2007 Review.

“There is also no national framework for operators and providers, no national reporting framework that requires them to positively report on where they're at in compliance with the transport standards, and we've submitted previously that the transport standard should be amended to require the operators and providers to make publicly available data that sets out the extent to which they comply with the standards. There's a current provision for operators and providers to provide action plans to the Australian Human Rights Commission for publication on their website, but that's not a mandatory requirement and I'm not quite sure how many operators and providers adhere to that...”¹⁰

Information in Accessible Formats

AFDO believes that information in accessible formats provided to people in a manner that they can understand is a fundamental part of enabling people with disability to use public transport and participate in the life of the community.

“It's a very important message. Transport operators request people to go online with things. There's a huge push to make everything online, but it doesn't always work because not everybody uses technology. Many do not know how to use smartphones, they rely on 131500. We got a message from 131500 they're going to get rid of the online service so people couldn't ring them on the telephone service. That made me angry to the point I was going to nearly do something - to get information to top up your Opal Card. The people at 131 are really good, they make it easy to understand. The best thing is they give you the information at your pace and you're not forced to do it at any other pace, but soon this won't be there. Without this information, people like my friend Julie won't be able to get around because she has no phone, she doesn't know how to read and write.”¹⁰

⁹ Comment from the NPY Women's Council Alice Springs at the AFDO / AHRC Transport Forum Friday 9th November 2018 Sydney

¹⁰ Comment from the Public Interest Advocacy Centre at the AFDO / AHRC Transport Forum Friday 9th November 2018 Sydney

Indigenous Australians in Remote Communities: The Bush Bus

AFDO is concerned about the lack of accessible public transport for remote Indigenous communities. The Australian Bureau of Statistics data shows that Aboriginal and Torres Strait Islanders experience higher rates of disability across all age groups at almost twice the rate of non-Indigenous Australians and that Aboriginal and Torres Strait Islander children experience disability at twice the rate of non-Indigenous children.¹¹

As an example, the “Bush Bus” operating out of Alice Springs provides essential public transport to remote Indigenous communities in central Australia. It is a service that many Indigenous Australians rely upon to get into and out of Alice Springs for medical appointments, meetings with human services agencies and social interactions with family and friends. Unfortunately, the Bush Bus is not accessible for people with disability which limits the opportunity for people with disability in Alice Springs to travel out to their communities or to come into town.

Women with Disability – Women with Disability Victoria

AFDO Member, Women with Disabilities Victoria highlights that nearly one in five women and girls have a disability.¹² Women with disabilities encounter discrimination on many levels, on the level of both gender and disability, each of which restricts opportunities for equal participation in economic, social, educational and political life. Women with disabilities experience multiple layers of discrimination based on their race, age, gender and sexual orientation, as well as their disability. Women with disabilities are often ignored in legislation, policies and programs and are not adequately recognised within community organisations and services.

On all measures of social and economic participation (housing security, income, employment and education), women with disabilities are disadvantaged. Women and girls with disabilities are also twice as likely as women and girls without disabilities to experience violence throughout their lives.¹

The recent Victorian Royal Commission into Family Violence (RCFV) recently confirmed that women with disabilities experience all kinds of violence at higher rates, increased severity and for longer than other women.¹³

For women with disabilities, lack of access to reliable and accessible public transport can lead to social exclusion. As has been evidenced in Women with Disabilities Victoria’s research, *Voices Against Violence*, social isolation for women with disabilities functions as both a risk factor for, and a consequence of, violence.¹⁴

¹¹ The Australian Bureau of Statistics

¹² Australian Bureau of Statistics, 4430.0 - Disability, Ageing and Carers, Australia: Summary of Findings, Canberra, 2015.

¹³ State of Victoria, Department of Health and Human Services, (May 2016), ‘A discussion paper of the Victorian State Disability Plan 2017-2020’.

¹⁴ D. Woodlock Delanie, L. Healey, K. Howe, M. McGuire, et al. 2014, ‘Voices Against Violence Paper One: Summary Report and Recommendations.’ Women with Disabilities Victoria, Office of the Public Advocate and Domestic Violence Resource Centre Victoria, 2014.

Women with disabilities' experience of public transport

In 2013, Scope conducted an analysis of the first national '1 in 4 Poll', a survey on the issues of importance to people with disability and their families, undertaken in partnership with Deakin University. It was found that women with disabilities experienced negative attitudes towards them and high rates of exclusion.

Victorian women with disabilities reported experiencing greater difficulty while receiving services from banks, financial institutions and insurers, than other women in the rest of Australia. The settings within which negative attitudes caused the most difficulty to women with disabilities were while using public transport, receiving health services and in the workplace.¹⁵

A lack of consideration of both gender and disability in policies relating to the physical environment, including transportation, to information and communications, and to other facilities and services open or provided to the public, prevents women with disabilities from living independently and participating equally in public life.¹⁶ Access to safe and reliable public transport remains an import issue for women with disabilities. Parts of the Transport Standards are not meeting the current and future needs of women with disability and providers and operators are not fulfilling their obligations under the Disability Discrimination Act 1992 (Cth). There is also added difficulties due to the number of providers and operators, making the public transport system fragmented.¹⁷

Issues around accessible public transport were frequently brought up as important issues for women with disabilities at a recent Women with Disabilities Victoria (WDV) members' lunch in 2018. Issues raised by the members attending included:

- the need for real-time information about transport disruptions, such as buses replacing trains;
- the need for women to feel safe using public transport;
- acknowledgement of the diversity of the community who use public transport, and their equal right to use it;
- the public good of reliable public transport and its role in fostering greater social inclusion;
- the tangible impacts for women with disabilities who rely on inadequate public transport and the impacts this has on their life - getting to NDIS planning meetings, work, or volunteering;

¹⁵ 1 in 4 Poll (2013), the 1 in 4 Poll, Scope and Deakin University. See: <https://www.scopeaust.org.au/wp-content/uploads/2015/02/Attitudes_Results.pdf>

¹⁶ Women with Disabilities Australia (WWDA), 'Human Rights Toolkit for Women and Girls with Disability', WWDA, October 2016, Hobart, Tasmania. 1st Edition, p. 129.

¹⁷ Victorian Council of Social Service (VCOSS), *Empowered Lives: Securing Change for Victorians with Disability*, p. 29.

- people missing their stop on trams due to having to wait for the next accessible tram stop¹⁸;
- the lack of disabled parking bays;
- a lack of any public transport in some areas, such as no trains or bus services, particularly in regional and rural areas; and
- The need to specifically include women with disabilities in government infrastructure policy and planning processes.

Women with disabilities and isolation

The 'Isolated Women with Disabilities Project' by Women with Disabilities Victoria in 2018 produced important research into the isolation experienced by women with disabilities and what strategies worked best to alleviate it.

An extensive literature review was carried out for the project, which revealed that isolation for women with disabilities mostly referred to social isolation.

A lack of accessible transport was identified as both a risk factor for social isolation, and a barrier to already isolated people accessing and participating in peer and social support.

One of the findings of the literature review was that the role of public transport in enabling people to remain socially connected was well evidenced.

A lack of access to the environment was identified as a barrier to full participation in the community by more than a quarter of respondents in the Shut Out report.¹⁹

This drives home the need for the existence of safe, accessible, affordable public transport for women with disabilities and demonstrates the role it plays in helping women live a life free from violence

People with Hearing Impairments - Deafness Forum

AFDO Founding Member, Deafness Forum of Australia advocates that all transport conveyances and terminals, shops, offices and other similar facilities should provide communication access facilities to ensure that all Deaf or hearing impaired users will be alerted to information or danger and to any evacuation drill or system test within the premises at the same time as all other venue uses.

Appropriate means for alerting danger include alarms with flashing lights and portable vibration pagers.

¹⁸ By December 2017, 90 per cent of Melbourne's tram stops were legally required to be accessible, but less than 25 per cent of stops currently meet the target. See: T Jacks, 'Trapped on a 96 tram: No accessible stops added an hour to James' journey,' The Age, 9 May 2018.

¹⁹ National People with Disabilities and Carer Council, Shut Out: The Experience of People with Disabilities and their Families in Australia, National Disability Strategy Consultation Report, 2009, Commonwealth of Australia, p.42.

Portable vibration pagers should be used to call waiting clients/customers who are Deaf/hearing impaired.

All places should provide:

- Access to captioning on all television or video display sets
- Functioning assistive listening systems (ALS), such as Induction loop (IL), Frequency Modulated (FM), or Infrared (IR) systems, to enable all participants who need ALS to hear the information without reverberation or background noise, regardless of whether or not the source is amplified speech/sound, including at counters, in meeting rooms and auditoria, on televisions, etc.
- Real time captioning systems to enable all users who need such systems to follow what information is being provided.
- Visual warning indicators in all toilet areas and in common areas to supplement the emergency horns/speakers.

All building owners and operators should implement:

- Ongoing maintenance and checking of all communication access equipment and procedures.
- Ongoing training of staff about the facilities available, such that users can be correctly informed.
- Promote (including signage) the existence of installed communication access facilities to all users by website information, venue directory listings (and, ideally, other forms of promotion such as advertising, etc.).
- Use the International Symbols for Deafness to identify:
 - Existence of hearing (communication) access.
 - Type of system available.
 - Areas covered by the system.
- Whenever flashing lights are used to alert people, they must be visible from all parts of a venue.

Most transport conveyances and terminals and similar facilities, including shopping centres and offices, provide oral information to patrons. This may be by means of a sound amplification system or it may not be amplified at all.

The Disability Discrimination Act makes it clear that all people who are Deaf or hearing impaired have the same right to access information as do people with hearing.

Therefore, if a facility provides arrangements to amplify speech (such as enquiry counters, and/or meeting rooms) and those arrangements use sounds to alert users to

anything, then the facility should provide parallel arrangements that enable Deaf or hearing impaired people to receive the sounds and information.

Failure to provide equitable access to such facilities means the person who is Deaf or hearing impaired is discriminated against. It is illegal to discriminate against people on the basis of their hearing.

If there are legislative provisions to provide particular information or sounds, such as fire alarms or emergency warnings/instructions, then that information/sounds must be accessible to all.

The Building Code of Australia and various Australian Standards indicate the specific obligations in respect of various types of buildings and transport systems.

Disability Impact Statements

The recent debacle in Queensland could and should have been averted by a robust procurement process that incorporated Disability Impact Statement.

A Disability Impact Statement would occur during the procurement phase of any new transport project and assess the project against a set of disability criteria

“Now, a disability impact statement would look at what impact is what we are doing going to have on people who have disabilities and who use this service or who may wish to use this service.

So if we use the recent rolling stock fiasco, the rolling disaster otherwise known as new-generation rolling stock, if there was a disability impact statement for what will the impact be of our proposed design on customers and potential customers, they would have seen long ago that they would be \$150 million out of pocket to rectify the problems.

So it's looking first, it's doing a thorough investigation before the fact.”²⁰

²⁰ John MacPherson at the AFDO / AHRC Transport Forum Friday 9th November 2018 Sydney

Recommendations

- 1. The immediate establishment of a National Framework for reporting on progress towards the Disability Transport Standards**
- 2. The Australian Human Rights Commission is funded to enable independent oversight with a view to monitoring and reviewing compliance with the Disability Transport Standards**
- 3. NAPTAC is expanded to include state and territory representation of people with disability with a history of working on transport issues for people with disability to the level of other representatives on NAPTAC**
- 4. The Disability Transport Standards should be amended to confirm that a breach of the Transport Standards is unlawful**
- 5. Disability Impact Statement are included in procurement processes for all new public transport projects across all jurisdictions**
- 6. Information by transport providers that relates to public transport should be provided in accessible formats and a manner in which people can understand**
- 7. The timetable for the inclusion of school buses and community transport in the Disability Transport Standards be revised and brought forward**
- 8. Public transport to and from remote Indigenous communities such as the Bush Bus in Alice Springs should be accessible for Indigenous Australians with disability**