



NDS Submission

**2012 Review of the Disability
Standards for Accessible Public
Transport 2002**





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About National Disability Services

National Disability Services is the peak industry body for non-government disability services. Its purpose is to promote and advance services for people with disability. Its Australia-wide membership includes 820 non-government organisations, which support people with all forms of disability. Its members collectively provide the full range of disability services—from accommodation support, respite and therapy to community access and employment. NDS provides information and networking opportunities to its members and policy advice to State, Territory and Federal governments.

National Disability Services (NDS) is pleased to have the opportunity to provide the following comments to the 2012 Review of the Disability Standards for Accessible Public Transport 2002 (the Standards).

In summary

The Standards are a key lever for meeting Australia's human rights obligations and they now also have the fulcrum of the National Disability Strategy to support their heavy lifting work. Broader awareness of the need for accessible public transport and tangible progress is evident more than ten years after the Standards were established – however, it is now necessary and timely to reinforce their implementation.

There is a need to ramp-up the provision of accessible public transport to fulfil the human rights, social and economic imperatives underlying the National Disability Strategy. There is also a risk that inadequately enforcing the Standards will increase the costs of the National Disability Insurance Scheme, DisabilityCare Australia.

Anecdotal evidence of ongoing barriers

NDS members report that many of their clients have to use public transport. They have no other choice. For these people it allows (or could allow) them independence and freedom, a way to get to jobs, to visit friends, attend medical appointments, "just for living." But we have heard from people with disability that sometimes:

- "the driver forgets me"
- "platforms or ramps are too narrow"
- "ramps to the station are too steep"
- "if the line is closed, they send an inaccessible bus... that is bad..."
- "the lift breaks down on the platform"
- "announcements on the train are wrong"
- "the access ramp is a long way along the road"
- "we have to face the back of the bus which causes travel sickness and we can't see when to get off and also we can't reach the buttons."

Barriers in public transport mean some people can't visit family and friends, can't hold jobs and are less able to participate. This is not good enough in 2013.

Realising the Standards is pivotal

Accessible transport has universal social benefits

Universally accessible public transport is a cornerstone of a contemporary and inclusive society where all people have an equal opportunity to participate. It benefits people with a wide range of mobility levels, including children, young people and older people, people with disability, people carrying infants or shopping, pregnant women, people with temporary impairment etc. Accessible public transport could impact on everyone at some point in their lifetime.

Accessible public transport will improve the economic outlook

Australia needs to improve its productivity as the workforce becomes a smaller proportion of society due to aging population demographics. We need 'all hands to the deck' and this means people with mobility challenges need to efficiently get to workplaces and places of education and training. Realising the Standards provides a great opportunity to enhance participation of people with disability and it would be a waste if the public transport system lets them, and Australia, down.

Timely to bolster implementation of the Standards

The introduction of DisabilityCare Australia

The National Disability Insurance Scheme (NDIS) Act 2013 provides future participants with an entitlement to the "*reasonable and necessary support*" they require to, amongst other things, move around and participate in social and economic activities. The NDIS Act helps to manage the scheme's liability by excluding funding of support that is "*more appropriately funded or provided through other general systems of service delivery or support services offered by a person, agency or body, or systems of service delivery or support services offered:*

- (i) *as part of a universal service obligation; or*
- (ii) *in accordance with reasonable adjustments required under a law dealing with discrimination on the basis of disability,"* [Clause 34 (f)].

If the Standards do not adequately enforce the universal service obligations and reasonable adjustments related to public transport then the cost to DisabilityCare of providing reasonable and necessary support will be considerably higher. There is also a risk that government agencies and transport operators will be tempted to let the cost of access for people with disability fall to DisabilityCare.

Gradual and partial implementation was a starting point not an end-point

Currently the Standards are only partially implemented. NDS acknowledges that a significant investment over time is required to bring all aspects of the infrastructure up to standard – a 20-30 year timetable was envisaged in 2002. Moreover, there are

exclusions and exemptions on the basis of various legal justifications and there are also transport interfaces that are outside of the direct scope of the Standards.

More than ten years after the Standards were established we must begin to judge them from the perspective of how they achieve their underlying purpose and therefore whether people with disability are able to use public transport. This must include consideration of the impact of the exclusions and exemptions, and of the gradual implementation timetable, and of the interface with other supports.

Success of the Standards is about achieving access for the ‘whole journey’

“I know they (the Standards) are important but honestly I just want to be able to catch the train, get on the tram and ride on the bus... I want to do so in a way that is easy and cheap, like it is for everyone else.”

(Quote from Scope Victoria submission)

The Standards are only a means to an end. Success is not achieved with partial implementation: for example, a train door may be wide enough but if a person cannot access the timetable information they cannot use the train. Real success is only achieved when people are able to make the whole journey.

This requires that accessible provision is consistent and reliable. It only takes one ‘stranding’ or one barrier along the journey for a person to lose confidence with the transport system and to disable further participation. It also requires a seamless interface with other support, such as:

- community transport (often volunteer driver coordination) to get to the bus stop
- mobility and communication equipment or assistance (including guide dogs)
- orientation support and training.

NDS looks forward to the Department of Infrastructure and Transport measuring this true success. Based on anecdotal evidence from NDS members, the result will likely indicate a need for additional and faster investment in some areas of public transport.

What stronger implementation should look like

More urgency

Most of the findings and recommendations of the review in 2007 are still relevant and indeed many are supported by Government in the 2011 response. NDS urges a faster and more action-oriented response to the current review, which builds directly on the detailed work of the 2011 response.

Commitment to accessible school transport

There are some specific areas that stand out as requiring significantly greater urgency. NDS is disturbed by the proposed phasing timetable of the school bus services - commencing 2029 and fully implemented by 2044. We are heartened that the Government is exploring the potential to commence earlier, perhaps by purchasing second-hand accessible buses, but there needs to be a much stronger and clearer commitment to ensure children with disability can get to school alongside their peers.

Fund some essential infrastructure to remove inappropriate exclusions

The Government needs to look at other levers, such as funding, if the Standard cannot deliver essential accessible transport infrastructure, such as accessible school buses, through legal requirements alone. This may involve some short-term investment to demonstrate the requirement, possibilities and raise general expectations about what is a reasonable adjustment.

Regular and coordinated monitoring

There needs to be a national action plan around accessible transport in which the Standards play a core role as recommended by the 2007 Standards Review and supported in principle by the Government response. NDS sees this plan helping to demonstrate the links and interfaces between the requirements of the Standard and other mobility support. A national plan will help all stakeholders, including government agencies, service providers and individuals, see the bigger picture and how accessibility can be achieved through collective effort.

The plan should require regular reporting on progress which could feed into any future review of the Standards. Reporting would provide an opportunity to raise awareness, share best practice and hear about progress. It would also provide an appropriate forum for some issues (complaints) to be aired outside the more litigious and time-consuming complaints mechanisms.