



Dedicated to a better Brisbane

Office of the Lord Mayor and Chief Executive Officer
Chief Executive's Office
Level 23, 266 George Street Brisbane
GPO Box 1434 Brisbane Qld 4001
T 07 3403 8888 F 07 3334 0043
www.brisbane.qld.gov.au

23 July 2014

Disabilities Transport Access Secretariat
Road Safety and Transport Access Branch
Department of Infrastructure and Regional Development
GPO Box 594
CANBERRA ACT 2601

Dear Sir / Madam

Thank you for the opportunity to review the draft report on the outcomes of the 2012 review of the Disability Standards for Accessible Public Transport (Transport Standards) available on the Department's website. Brisbane City Council (Council) is appreciative of the extension of time until Friday 25 July 2014 as indicated in your email of 20 May 2014 to Ms Larissa Rogers, Transport Planning and Strategy branch.

Council is committed to meeting its obligations under the *Disability Discrimination Act 1992 (Cth)* and the Transport Standards and continues to make progress towards upgrading its existing bus fleet, bus stops, ferry fleet and ferry terminal infrastructure.

In today's constrained fiscal environment the cost of building, upgrading and maintaining public transport networks requires major investment. Without adequate funding, cost will continue to be a major impediment to removing the accessibility barriers to people with a disability.

A national funding model established between all levels of government is needed to ensure that the intent of the legislation to remove discrimination for people with a disability can be achieved. In the absence of a funding model, there is the risk that the provision of public transport services and supporting infrastructure will be significantly rationalised as a consequence of financial constraints, ultimately affecting all users and the future sustainability for our communities.

Council is concerned that the proposed timing for implementing the recommendations by mid-2016, while ambitious, will not be in time to assist public transport providers currently upgrading existing infrastructure to meet the relevant compliance timeframes of 2017 and 2022. In this regard, consideration could be given to allowing the option to suspend programs of upgrade works without penalty of not meeting the timeframes until the outcomes of the updating and modernising the Transport Standards is finalised.

If you wish to clarify any of the matters raised in the response or require further detail on the Council's initiatives to improve accessibility, including the upgrade programs for existing infrastructure, please contact Mr Brett Turville, Manager Transport Planning and Strategy on [REDACTED]

Yours sincerely



Colin Jensen
CHIEF EXECUTIVE OFFICER

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

Australian Government, Department of Infrastructure and Regional Development, May 2014

Recommendation 1 National reporting on compliance

That the Australian Government, jointly with state and territory governments, establish a national framework for reporting on compliance by 30 June 2016.

The proposed timeframe of mid-2016 to establish the framework for reporting on compliance appears ambitious, particularly in view of the need to determine the preferred methodology. Brisbane City Council (Council) submits that the establishment of a national framework for reporting may be premature until the items as outlined in this submission and Council's submission dated 19 April 2013 in response to the *2012 Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards) Issues Paper* are resolved.

Council submits that the following issues be considered as part of the establishment of a national framework for reporting on compliance:

- The national framework should be prospective only.
- The reporting framework should be drafted by reference to the modernised Transport Standards referred to in Recommendation 2.
- What reporting is intended to achieve and whether reporting will be publicly available.
- Local governments should also be involved in the development of the national framework
- The reporting framework will have resource implications for Councils.

Council also submits that the issues below are relevant for Recommendation 1.

Reporting Methodology

It is strongly recommended that the reporting methodology identifies and provides clear criteria to enable compliance reporting for full or partial physical compliance and whether there is reliance of equivalent access or unjustifiable hardship.

Baseline Compliance Data

Providers and operators may require baseline compliance data to inform ongoing compliance reporting. The establishment of baseline compliance data should be assessed against nationally agreed criteria which relate directly to the Transport Standards.

It is essential that the reporting assessment criteria be unambiguous and not too onerous. In the absence of a national compliance assessment criteria there is likely to be a lack of consistency in reporting.

Further, suitably qualified or certified practitioners should be required to undertake the initial baseline compliance auditing to ensure a nationally consistent and accurate compliance auditing assessment.

Construction Performance

Consideration should be given to the construction performance of material and acceptable construction performance tolerances for surface levels at both the time of construction and after construction.

Further consideration should be given and clear specifications developed for measuring compliance of materials after they have been put in place, with particular consideration towards the compliance auditing of infrastructure that is more vulnerable to environmental change and subsequently impacts on compliance status. For example, ground movement due to the property of below surface material can impact on gradients and finished levels.

Resource Considerations

Compliance reporting will have significant resource and cost demands. It is strongly recommended the Department of Infrastructure and Regional Development provide education and training and on-going funding support in a timely manner to ensure the success of compliance reporting.

Recommendation 2 Modernise the Transport Standards

That the Australian Government, jointly with state and territory governments, commence a process for updating and modernising the Transport Standards. This work should be undertaken in close consultation with local government, industry and the disability sector, and include research on the technical issues raised in this review, the development of options, and assessment of the impact of any proposed change to the standards, with this work to be completed by 30 June 2016.

Council looks forward to the opportunity in the near future to work with the Australian and Queensland Governments in the implementation of Recommendation 2.

Council submits that the following issues be considered as part of the process for updating and modernising the Transport Standards:

- New Transport Standards should not be retrospective.
- There must be transitional arrangements because of the extent of investments already made by public transport providers in upgrading infrastructure.
- The issues raised in Council's submission dated 19 April 2013 in response to the Transport Standards review Issues Paper.
- The review should be broader than the items listed at Appendix E to the Draft Report.
- The completion date of 30 June 2016 should include the finalisation and release of the new modernised Transport Standards.
- To ensure maximum implementation efficiency, the modernised Transport Standards should be supported by a comprehensive implementation plan which includes the provision of necessary training, education and funding for operators and providers.
- The inter-relationship between the Transport Standards and other legislation, standards, guidelines and codes of practice should be clearly set out to avoid confusion about legislative obligations.
- The updated and modernised Transport Standards must be practical and achievable for each specific transport mode to ensure that physical compliance is achievable with consideration to varying physical constraints across the country.
- The timeframe to complete the modernising of the Transport Standards appears ambitious and highlights a potential timeline conflict with current milestone compliance timeframes, in particular the next milestone compliance target of 90% compliance by 31 December 2017 (except trains and trams). Consideration could be given to the immediate suspension of all current compliance upgrade milestone requirements until the completion of Recommendation 2 to give compliance investment certainty and national compliance alignment and consistency. Alignment of the timeframes with trains and trams could be considered.

Council also submits that the issues below are relevant for Recommendation 2.

Specific Disability Standards

Council submits that standards specific to disability requirements for public transport should be developed to remove the current reliance upon various existing Australian Standards (which were not necessarily designed for the purpose of transport).

Technology

The advancements in technology, whereby some physical compliance elements may become redundant and/or be superseded needs to be incorporated into the Transport Standards to enable a national response to advancements in technology and to ensure consistency across the network.

Equivalent Access

Council submits that Part 33 Compliance of the Disability Standards for Accessible Public Transport 2002 (DSAPT) be reviewed to enable national uniformity and harmony to ensure best practice delivery of physical compliance outcomes. The current provision within Part 33 Compliance results in significant variances in the approach to compliance, which consequently results in an inconsistent approach to the physical compliance of public transport infrastructure.

Due to the physical constraints of some sites and the fact that some Australian Standards were not designed for transport, Council has made large-scale investment to achieve compliance including equivalent access. Of particular significance is the cost to explore equivalent access options and to implement compliant solutions for which the ongoing maintenance costs and operational implications are untested and unknown. Council submits that equivalent access options could be investigated at a national level to ensure clear parameters and to enable the most appropriate accessibility outcomes.

Resource Considerations for Equivalent Access

Equivalent access consultation, including the development of equivalent access options is resource and cost intensive. It is recommended the Department of Infrastructure and Regional Development provide education and training and on-going funding support in a timely manner to ensure the success of equivalent access if this matter is not driven at a national level.

Recommendation 3 The complaints process

No comment in response to recommendation.

Recommendation 4 Whole-of-journey accessibility

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 31 December 2015.

The aspirational vision to achieve whole-of-journey accessibility is fully supported however, Council submits that resources and effort be focused on Recommendation 2 and resolving current compliance upgrade issues.

The proposed timeframe to complete the accessibility guidelines for a whole-of-journey approach to public transport planning by 31 December 2015 appears an ambitious timeframe.

Council also submits that the following issues be considered as part of 'whole-of-journey accessibility':

- 'Whole-of-journey accessibility' needs to be linked to the Transport Standards, the National Disability Strategy 2010-2020 and other strategies that aim to advance the objects of the *Disability Discrimination Act 1992 (Cth)*.
- It is strongly recommended that the Department of Infrastructure and Regional Development provide adequate funding to implement 'whole-of-journey accessibility', as fiscal cost will continue to be a major impediment to removing the accessibility barriers to people with a disability, leading to greater social costs.

Recommendation 5 National motorised mobility aid labelling scheme

That the Australian Government in collaboration with state and territory governments to develop and implement a national mobility aid labelling scheme.

The development and implementation of a national motorised mobility aid labelling scheme will assist in providing greater certainty for consumers purchasing motorised mobility aids and will also assist providers and operators of public transport to design for motorised mobility aids.

Council submits that the following issues be considered as part of the development and implementation of a national mobility aid labelling scheme:

- The timeframe for the scheme to be completed and implemented be notified to stakeholders also Community education awareness campaigns be developed to ensure consumer awareness.
- Consideration be given to ensuring providers and operators of public transport are not placed in situations where customers seeking to access public transport in mobility aids cannot be accommodated as the devices do not meet the recognised specifications.
- The updated Transport Standards as per Recommendation 2 require all new public transport conveyances to accommodate nationally approved mobility aids. This approach will ensure that customers can travel across various public transport modes using the same mobility aid.

Recommendation 6 National wheelchair accessible taxi compliance milestones

No comment in response to recommendation.

Recommendation 7 Review of Disability Access Facilitation Plan

No comment in response to recommendation.