
AUSTRALASIAN RAILWAY ASSOCIATION SUBMISSION

To

Department of Infrastructure and Regional
Development

On

The Review of the Disability Standards for
Accessible Public Transport 2002: Draft Report



THE ARA

The Australasian Railway Association (ARA) is a not-for-profit member-based association that represents rail throughout Australia, New Zealand and Indonesia. Our members include rail operators, track owners and managers, manufacturers, construction companies and other firms contributing to the rail sector. We contribute to the development of industry and government policies in an effort to ensure Australia's passenger and freight transport systems are well represented and will continue to provide improved services for Australia's growing population.

The ARA thanks the Department of Infrastructure and Regional Development for the opportunity to provide this submission to the *Review of the Disability Standards for Accessible Public Transport 2002*. For further information regarding this submission, please contact Rhianne Jory, Associate Director Environment and Regulation via [REDACTED] or [REDACTED]

INTRODUCTION

The ARA would like to commend the Department of Infrastructure and Regional Development (Department) on initiating an internal Review of the Disability Standards for Accessible Public Transport (DSAPT). This is an important initiative. Implementation of some of the Recommendations of the review, such as Recommendation 2, will provide clearer guidance and certainty to rail operators and infrastructure managers in terms of the requirements for service provision. Implementation of other recommendations such as the labelling scheme for motorised mobility devices will assist consumers in purchasing and using their devices on roads and public transport.

More people are using rail as their preferred mode of transport and railway operators continue to work tirelessly to provide greater access to services for all customers. As previously indicated in our earlier submission to the review, the 2012 compliance targets for the accessibility of trains have been met or are close to being met. State governments and rail operators have made substantial investments to ensure railway facilities and services meet compliance milestones under the DSAPT.

Key points of this submission are as follows:

1. The ARA notes issues and concerns raised by the disability community regarding accessibility of trains and railway infrastructure. Through its Disability Policy Working Group, the ARA will consider appropriate and practical ways to address these issues.
2. The ARA believes that there are a number of areas in the **DSAPT** that must be modified. The **DSAPT** take a prescriptive approach and impose significant and unjustifiable burdens on the industry. The ARA believes that the **DSAPT** should take an 'accessibility' approach focussing on providing access for people with disability through innovative, practical and cost effective performance-based solutions rather than a 'compliance approach' where prescriptive requirements are imposed on the industry without consideration of costs or practical implementation and effectiveness of the **DSAPT**.
3. The ARA urges the Department to consider and discuss the following in its Final Report:
 - a. The Federal Government to provide funding assistance to States and rail operators in implementing the requirements set out in the **DSAPT**. There are ongoing funding challenges in meeting the **DSAPT** requirements, particularly the targets for December 2017 (80-90% compliance).
 - b. The Federal Government to outline the level of resources and strategy for the implementation of recommendations set out in this review.

The Draft Report's Recommendations

4. Recommendation 1 – National Reporting on Compliance: The ARA does not support this recommendation as it imposes significant red tape and costs for jurisdictions and private sector transport operators. The ARA however proposes that the Federal Government and industry work together to develop a consistent reporting framework on accessibility.
5. Recommendation 2 – Modernise the **DSAPT**: The ARA is supportive of this recommendation and believes that this recommendation should be implemented as soon as possible. This process should remove or amend existing standards that are not capable of being complied with. The Department, industry and the disability sector must work together to develop new standards to take into account new technologies and innovations as well as recognise the industry's unique operating environment. However, if this process is not achieved, the ARA is urging the Government to provide

legal recognition of the rail services Code of Practice as a supplementary compliance mechanism for the industry.

6. Recommendation 3 – The Complaints Process: The ARA supports this recommendation in principle provided that its implementation does not bring about a shift in the onus of proof that discrimination has occurred or removes the requirement of conciliation through the Australian Human Rights Commission prior to the matter proceeding to the Federal Court.
7. Recommendation 4 – Whole-of-Journey Accessibility: The ARA supports this recommendation.
8. Recommendation 5 – National Motorised Mobility Aid Labelling Scheme: The ARA supports this recommendation.

ADDRESSING ISSUES RAISED BY THE DISABILITY COMMUNITY IN THE REVIEW

The ARA notes a number of concerns raised by the disability community regarding accessibility of trains in the 2012 Transport Standards Review (Review). These issues include usage of space allocated for people with disability by other passengers, the need to contact rail authorities at some locations before a proposed journey to ensure staff are available to provide direct assistance, the impact of limited rail transportation in regional and rural areas and entry and exit from trains and trams. The ARA will discuss these issues with the Disability Policy Working Group. The Working Group comprises senior representatives and accessibility experts from major rail operators across the country.

With regard to the issue of accessibility of rail infrastructure, the ARA notes a number of issues that were raised in the Review including the use of ramps and lifts to access train stations and platforms and the lack of availability of 24-hour accessible toilets for people with disability. Again, these issues will be discussed with the Working Group.

The industry remains committed to providing accessible services to people with disability. However, in many instances there can be substantial challenges to State and Territory governments and train operators when trying to address accessibility issues, especially in the case of upgrading legacy infrastructure in confined urban settings.

EFFECTIVENESS OF THE TRANSPORT STANDARDS

The DSAPT have been effective in addressing accessibility to public transport to some degree. There are, however, a number of areas where major improvements and modifications must be made to the DSAPT to ensure compliance requirements are not too burdensome for the industry or impossible to achieve without jeopardising other areas of railway operations such as the overall safety of passengers and railway staff.

The ARA believes that the Government must reconsider the effectiveness of the prescriptive nature of the DSAPT and adopt more performance-based standards. The industry contends that the DSAPT do not lead to satisfactory outcomes and do not fit the physical nature of the environment where they need to be applied.

At present, the DSAPT take a prescriptive approach and impose significant and avoidable burden on the industry. It is recommended that the DSAPT take an 'accessibility' approach focussing on providing access for people with disability based on practical performance-based solutions rather than a 'compliance approach' where prescriptive requirements are imposed on the industry without consideration of costs or practical implementation and effectiveness of the DSAPT.

Even though most of the 2012 target of 55 percent compliance is being met, and governments continue to recognise the importance of meeting the needs of the disability community, meeting the 90 percent compliance targets for 2017 poses considerable financial challenges to operators and providers. Unless the Federal Government provides significant financial assistance to jurisdictions and operators, it is likely that these targets will not be achieved.

Moving to a more accessibility based approach will give industry operators and infrastructure managers an ability to explore innovative and cost effective performance-based solutions that are suitable to their operating environment, without imposing significant burdens and costs on the business and jeopardising other areas of railway operations such as safety.

OUR VIEWS ON THE RECOMMENDATIONS

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 ARA does not support this recommendation as it imposes significant red tape and costs for transport operators. This recommendation is also not aligned with the Government's deregulation agenda where the goal is to reduce regulatory burden on businesses and only create new regulations where absolutely necessary.

The ARA proposes that the Federal Government and industry work together to develop a consistent reporting framework on accessibility. This approach will allow transport operators and providers to use common performance and outcome-focused criteria to demonstrate how access to transport services has been improved.

Recommendation 2 – Modernise the Transport Standards

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

The ARA is supportive of this recommendation and believes that it should be implemented as soon as possible. As previously expressed to the Department, the majority of this work (identification of areas where amendments are needed) has been completed through the industry exemptions application process.

The modernisation process should remove or amend existing standards that are not capable of being complied with. The Department, industry and the disability sector must work together to develop new standards to take into account new technologies and innovations as well as

recognise the industry's unique operating environment. However, if this outcome is not achieved, the ARA is urging the Government to provide legal recognition of the rail services Code of Practice as a supplementary compliance mechanism for the industry.

Recommendation 3 – The complaints process

That the Australian Government considers the concerns raised about the complaints process

The ARA supports this recommendation in principle provided that its implementation does not bring about a shift in the onus of proof that discrimination has occurred or removes the requirement of conciliation through the Australian Human Rights Commission prior to the matter proceeding to the Federal Court.

Recommendation 4 – Whole-of-journey accessibility

That the Australian Government, joint with state, territory and local governments, develop accessibility guidelines for a whole-of-journey approach to public transport planning by 31 December 2015.

The ARA supports this recommendation. The ARA believes that the guidelines would ensure investment from state and local governments is aligned and directed to where it is needed.

Recommendation 5 – National Motorised Mobility Aid Labelling Scheme

The ARA supports this recommendation and the work being undertaken by Austroads to develop a national design standard for mobility scooters to underpin the labelling scheme as safe for carriage on public transport conveyances.