

ABF response to:

Department of Infrastructure and Regional Development consultation on:

31 May 2017

About the Australian Blindness Forum

The Australian Blindness Forum is the peak body representing blindness, low vision and rehabilitation in the blindness sector. ABF was formed in 1992 and is funded only by its members. ABF is an Australian public company limited by guarantee and governed by a Board of Directors.

Membership of ABF is open to any organisation that has as its primary objects the provision of services to people who are blind or vision impaired, or whose activities are substantially connected with the welfare of people who are blind or vision impaired. ABF is represented in every state and territory of Australia.

As Australia's representative to the World Blind Union, the ABF has strong connections with the international blind and vision impaired community. ABF comprises 16 blindness sector organisations whose expertise and knowledge are reflected in the following comments.

Background

ABF appreciates the opportunity to provide a response to the Department of Infrastructure and Regional Development consultation on *The Whole Journey: A guide for thinking beyond compliance to create accessible public transport journeys* (the Guide).

ABF and its member organisations support every person's right to participate in and contribute to the community. This includes all people who are blind or vision impaired having the right to access services and technology and to live independently, inclusively and with dignity in the community.

This position is consistent with:

- the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
- the *Disability Discrimination Act 1992 (DDA)*
- the National Disability Strategy 2010-2020.

While the Guide makes a brief reference to the UNCRPD, the Guide in its current form will not ensure that Australia is compliant with its obligations under the UNCRPD because it does not contain enforceable standards on accessibility.

ABF made a submission to the 2012 Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards) Issues Paper in May 2013. At that time ABF said that:

Overall, ABF believes that accessibility to public transport has improved slightly, but not sufficiently, since the commencement of the Transport Standards review in 2007, to address the concerns of people who are blind or vision impaired.

ABF, as a national body, has received feedback from across Australia that significant barriers still exist for a person who is blind or vision impaired trying to navigate public transport in Australia.

In April this year, ABF also made a submission to the Senate Community Affairs References Committee Inquiry into the delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities. In that submission ABF said:

ABF is concerned that the reviews of the Transport Standards continue to make recommendations however, the recommendations are not implemented or consistent. This is especially true for audible signs and announcements on public transport where, for example, there is no consistency of audible signs or announcements from one bus route to the next. In addition, the design of any new public transport infrastructure is not complying with the recommendations of these reviews.

...ABF is of the view that the development and review of Standards involve protracted and ineffective processes and do not further the intent of the National Disability Strategy.

Therefore, as an overarching comment, ABF is concerned that, while the Guide has many positive statements to encourage accessibility of public transport, it is not a standard and not attached to the existing standards or legislation and therefore not enforceable. In ABF's view, as can be seen above, even enforceable standards are not being complied with and the recommendations arising out of reviews of the enforceable standards are not being implemented.

The Guide demonstrates the Government acknowledges the importance of an accessible transport system, therefore it needs to ensure requirements for accessible public transport are enforced. People with disability are being excluded from employment, educational and social opportunities due to a lack of accessible transport.

The title of the Guide includes the phrase "thinking beyond compliance". Compliance with the Transport Standards has not been achieved in any satisfactory way for people with disability. Therefore, any resources being expended by the Federal

Government must be directed towards compliance with the mandatory standards already in place before we are ever going to have compliance with an unenforceable Guide or need to “think beyond compliance”.

ABF has answered the five questions outlined in the Consultation Draft accompanying the Guide below.

Consultation Draft Questions

1. **Thinking about influencing factors (Section 2):** Have the key factors been identified and appropriately discussed? Are there any additional influencing factors that should be included?

ABF notes one of the influencing factors listed in the Guide is “Universal design considerations”. While this factor is discussed in general terms and principles, more specific examples and descriptions of practical examples would be useful to demonstrate universal design. For example, automatic ticketing machines need to be at a certain height for people in wheel chairs and need visual, tactile and audible options for people with other disabilities to successfully purchase tickets.

Additional influencing factors

Some additional influencing factors that should be considered are:

Regional areas – an influencing factor that must be highlighted is the problem of accessibility of public transport faced by people in regional areas, particularly the limited services offered in those areas. In some regional areas there may be only one bus per day. It would be useful if the Guide raises awareness of such issues for people with disability in regional areas and demonstrated a clear commitment by Government to regional and rural communities where accessible transport is poor with no regular services.

In addition, in regional areas there is often inaccessible “rolling stock” particularly in relation to bus services. For example, some bus services in regional areas do not use modern accessible buses that can be found in metropolitan areas. Often, regional bus services use coaches that are not wheelchair accessible and do not have other accessible features utilised by people with disability in other areas.

Community education – beyond the description of the whole journey there are other factors to consider including interaction with members of the community and attitudes of the general public. Even if the whole journey is accessible for a person with disability, if an individual in the general public interacts with the individual in an inappropriate way, a fully accessible journey could become inaccessible.

2. **Thinking about parts of a journey (Section 3):** Does this section fully describe the whole journey and key considerations across the journey? Are there any other opportunities or issues that need further consideration?

The Guide acknowledges that one part of the whole journey is the “Journey start and end” and that the start and end of the journey is a “challenging part of the journey for transport operators and service providers because they often have no control over conditions surrounding the public transport infrastructure”.

ABF agrees that the whole journey must cover a person’s journey from their front gate and back again. This would include navigating local areas and encountering shared footpaths with pedestrians, bikes, street furniture, A-frame signs, bike racks and bollards. Obstacles such as these impede the journey of a person who is blind or vision impaired and just one of these obstacles can make a person’s whole journey inaccessible. While these areas of the journey may not necessarily be part of the Transport Standards they must be addressed in order to ensure an accessible whole journey.

This broader definition of the whole journey means that many other regulations, guidelines and pieces of legislation need to interact seamlessly with the Transport Standards before a person’s whole journey could be considered fully accessible. This would include links and an effective interface between the Transport Standards and local government rules and guidelines; Access to Premises Standards; rail industry standards, rules, codes of practice and guidelines; civil aviation legislation and regulations; road traffic laws and regulations in each state and territory; National Construction Code; and Wayfinding Standards (currently under development). This would require substantial collaboration and a simplified system bringing together the many authorities to ensure an accessible whole journey.

Apps

ABF notes the guide mentions the use of apps to assist in obtaining information before and during a journey. ABF would like to point out that there are no specific accessibility standards governing the development of smartphone apps, although it is expected that the principles of Web Content Accessibility Guidelines (WCAG) 2.0 would apply as a minimum. Therefore there is no certainty about whether a particular app (or a new version of an already accessible app) will be accessible.

While the use of apps and other user-based technologies should not be discouraged, it should not be seen as a substitute for accessible, standards-compliant information being required from service operators and providers.

In addition, it should be noted that in the blindness community, approximately only 25% of people over 65 use a Smart phone and ABF’s members report anecdotally that younger people who are blind or vision impaired can find using smartphones stressful and not always reliable (particularly in relation to battery life and reception issues).

3. Thinking about what does this mean for you (Section 4): Does this section provide an effective set of key principles to focus stakeholders in creating accessible public transport journeys?

While the Guide provides more detail than perhaps other guiding principles issued by organisations that affect the disability sector, it does not necessarily cover all key principles as mentioned above. However, even if the Guide did have an effective set of key principles, ABF is not confident that the Guide will focus stakeholders in creating accessible public transport journeys given that the Guide is not enforceable.

ABF notes that the front of the Consultation Draft says that the Guide is 'designed to encourage policy makers, planners, designers, builders, certifiers and operators to think beyond compliance and the physical and governance boundaries of service and infrastructure, and to focus instead on people's accessibility needs across their whole journey'. Given it is still very difficult to enforce the Transport Standards (and other related standards and regulations), it is not clear to ABF if these stakeholders will take on board the messages in the Guide.

As stated below, ABF would recommend an education and awareness campaign about the Guide as an adjunct to a compliance campaign for the Transport Standards themselves.

4. Thinking about stakeholder collaboration to achieve a whole journey: How can this be best achieved?

In order to achieve stakeholder collaboration, it is imperative the Government conducts an education and awareness campaign so all stakeholders are aware that the Guide exists. However, this must be in addition to, or in tandem with, an education and compliance campaign regarding the Transport Standards themselves and their interaction with the many other standards and regulations that are already in force and that underpin the whole journey at many different points. It would be a waste of Government resources to conduct an education and awareness campaign for the Guide alone when it is not enforceable.

In order to achieve an accessible whole journey, it is paramount that there is increased compliance with the Transport Standards, and greater acceptance by Government and service providers of best practice and consistent application across Australia. This is not helped by the compliance timeframes in the Transport Standards being too long or non-existent, and include too many variables. ABF would like to see actual compliance with the compliance targets.

In addition, it is important that states, territories and private operators and providers of transport services are provided with Federal funding opportunities to assist with increased compliance with the Transport Standards, to ensure social inclusion for people who must use public transport.

One of the most crucial collaboration points for accessible transport is in the design stage, particularly for greenfields development. The Guide, together with the Transport Standards, needs to be brought to the attention of town planners, local government and state governments and is enforceable in the scoping stage of all projects.

Another suggestion is to include the Guide and further information on the Transport Standards in course content for relevant University courses that relate to town planning, architecture, design and public administration. This could achieve a generational change within the thinking of new and upcoming designers and planners to always include accessibility in the early stages of building projects.

Finally, the Guide does not make reference to how it is going to measure accessibility or compliance with both the Guide and the Transport Standards. Therefore, the Guide needs to include a system for measuring and capturing outcomes to explain how compliance is measured and how final access is audited to ensure that a system is accessible to a person with disability.

5. Thinking about best practice examples: Are there any additional best practice examples or case studies you would like to see referenced in an appendix which could further encourage, be used to draw upon, and potentially facilitate Whole Journey understanding and networking?

ABF understands that some of its members will be making submissions that include best practice examples and ABF supports those submissions.

Overall, best practice examples need to include:

- Examples of applications of universal design to transport-related services such as ticket machines
- Examples of good design that incorporates many elements – such as combinations of Tactile Ground Surface Indicators (TGSI) trails in conjunction with other guidance such as tactile street signs, tactile boarding point signs, audible signs and announcements.
- Examples of well-developed methods of dissemination of information for disruptions such as channels through relevant government agencies and disability organisations.
- Examples that do not just rely on smartphones and apps. All accessibility features in public transport must be built into the design of the services and not reliant on unreliable or inaccessible technology.