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Submission
Comments on The Whole Journey:
A guide for thinking beyond compliance
to create accessible public transport journeys

To:

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1. About Blind Citizens Australia

Blind Citizens Australia is the peak national representative organisation of and for people who are blind or vision impaired. Founded in 1975, our mission is to achieve equity and equality by our empowerment, by promoting positive community attitudes and by striving for high quality and accessible services which meet our needs.

We provide peer support, information dissemination, advocacy support and advice to community and government on issues of importance to people who are blind or vision impaired.

Our work is directly informed by lived experience of blindness and vision impairment. Our members, our Directors and the majority of our staff are blind or vision impaired.

2. Introductory Comments

BCA welcomes the opportunity to comment on 'the Whole Journey: A guide for thinking beyond compliance to create accessible public transport journeys'. We commend the Department on the development of this draft, in keeping with the government's commitment to the implementation of recommendation 4 from the final report from the 2012 review of the Disability Standards for Accessible Public Transport,

A beyond compliance approach to transport planning is a necessary shift, which has the potential to enhance the day-to-day experience of people who are blind or vision impaired. There are however, some significant barriers to the successful implementation of the accessibility measures referred to throughout the draft guide.

In its consideration of the issues raised throughout this submission, we urge the Committee to remember that Public transport is not merely an option for people who are blind or vision impaired. It is often the only avenue available to enable people to complete routine tasks and participate fully in all aspects of society. The current lack of accessible public transport is an issue that continues to affect people who are blind or vision impaired on a daily basis; often, to the point where they experience discrimination, isolation and exclusion. To this end, many of the recommendations made throughout this submission mirror recommendations made in our recent submission to the delivery of outcomes under the National Disability Strategy to build inclusive and accessible communities.

We also wish to reinforce the fact that a universal design approach to transport and infrastructure is not only necessary in the here and now, but will be crucial to sustaining Australia's aging population in the future. The Australian Bureau of Statistics projects that one in four Australians will be aged 60 or over by the year 2056. Due to the strong correlation between aging and disability, the number of people with disability is also likely to significantly increase in years to come. In 2009, for example, around 3.4% of children aged four and under were affected by disability. This increased to 40% for people aged 65-69, and 88% for people over 90. When looking at blindness and vision loss specifically, around 80% of vision loss in Australia is caused by conditions that become more common as people age.

We thank the Department for providing us with an opportunity to contribute to measures aimed at increasing access to transport for passengers with disability, and look forward

to working with the Department to progress recommendations made throughout this submission.

3. Modernising the Disability Standards for Accessible Public Transport

The final report from the 2012 review of the Disability Standards for Accessible Public Transport recommended that the Australian Government, jointly with state and territory governments, commence a process for updating and modernising the Transport Standards; with this work to be undertaken in close consultation with local government, industry and the disability sector. Despite the fact that this work was to be completed by 30 June 2017, however, information on the website of the Department of Infrastructure and Regional Development open-endedly indicates that consultations relating to the modernisation of the standards will commence "later in 2017". According to the information on the website, the modernised standards are now not expected to come into effect until 2019.

While we welcome work undertaken by the Department to develop the whole of journey guide, the continued delay of the modernisation of the standards means there will be no enforceable requirements in place to address issues such as those raised in our submission to the 2012 review for at least another two years. Of ongoing frustration to our constituency, for example, is the fact that the transport standards do not currently include prescriptive requirements for the provision of accurate and timely audible announcements on board public transport.

Further, part 34 of the Transport Standards requires that the efficiency and effectiveness of the standards be reviewed every five years. This means that the next review of the transport standards is imminent. Despite this fact, the Department has still not taken steps to implement the more substantive recommendations that arose out of the 2012 review and update the standards to better suit the current transport environment. We do not believe the whole of journey guide can be successful in bringing about systemic change for passengers with disability until such time that this work has been completed.

Recommendation 1:

The Department of Infrastructure and Regional Development must prioritise the modernisation of the Disability Standards for Accessible Public Transport 2002 as a matter of urgency. The process of updating the standards should be undertaken in close consultation with people with disability through their representative organizations.

4. Adopting a compliance-based approach to accessible public transport

The fact that the transport standards remain reactive rather than proactive continues to limit their effectiveness in bringing about systemic change for passengers with disability. It is very complex and time-consuming for an individual to pursue a complaint under the standards. In instances where a matter cannot be conciliated by the Australian Human Rights Commission and must be advanced to the Federal Circuit Court, it can also be extremely cost-prohibitive. An example of this can be seen in the case of Innes V RailCorp (now known as Sydney trains). With the support of the Public Interest

Advocacy Centre, former Disability Discrimination Commissioner, Graeme Innes AM, pursuit RailCorp in the Federal Circuit Court for their failure to provide appropriate on-board announcements. The matter was advanced to the Federal Circuit Court following two years of Mr Innes failing to see the matter resolved by making complaints to the relevant Minister and Department. Innes alleged that Railcorp failed to make audible announcements on 36 train journeys between 28 March 2011 and 9 September 2011, amounting to unlawful discrimination. In February 2013, the Federal Circuit Court found that RailCorp had breached the Disability Discrimination Act 1992 and the Disability Standards for Accessible Public Transport 2002. The case led to significant improvements to the frequency and audibility of on-train announcements.

The case of Innes V RailCorp demonstrates just how difficult it is for people with disability to ensure their rights are upheld in the current regulatory environment. Furthermore, although Mr Innes efforts did lead to a systemic improvement in the quality and frequency of announcements on-board Sydney trains, the fragmented nature of Australia's federated system means that these changes will not automatically have a flow-on effect for transport services in other states and territories.

To maximise the effectiveness of the transport standards for people with disability, the government must adopt a more proactive, compliance-based approach to access. This approach has been endorsed by the Committee on the Rights of Persons with Disabilities, and was also reflected in the recommendations of the final report from the 2012 review of the transport standards.

In its concluding observations on the initial report of Australia (handed down in 2013), the Committee on the Rights of Persons with Disabilities stated:

"The Committee notes that the Disability Standards for Accessible Public Transport 2002 and the Disability (Access to Premises – Buildings) Standards 2010 introduce regulations to address accessibility barriers for persons with disabilities. However, it remains concerned at the level of compliance with accessibility standards and regulations. The Committee recommends that sufficient resources be allocated to ensure monitoring and implementation of the Disability Standards and requirements".

The final report from the 2012 review of the transport standards echoed this approach, recommending that:

"...the Australian Government, jointly with state and territory governments, establish a national framework for reporting on progress against the Transport Standards by 31 December 2016."

This recommendation has not yet been implemented, and we assert that the standards will not be effectively and consistently implemented until such time that a more proactive, compliance-based framework is introduced.

We are also aware that the Australian Human Rights Commission has granted the Australasian Railway Association, the peak industry body representing Australian railway operators, exemptions from the Disability Discrimination Act 1992 (Cth) and the Disability Standards for accessible Public Transport. These exemptions related to core access features for train stations; including access paths, doorways, signage and tactile ground surface indicators. Granting exemptions to public authorities only serves to undermine the transport standards and make them impossible to enforce. In light of the

fact that transport providers with given between 5 and 30 years to fully comply with the standards, the granting of exemptions goes against the spirit of the Convention on the Rights of Persons with Disabilities and will only serve to prolong accessibility issues for passengers with disability.

Recommendation 2:

In line with advice provided by the Committee on the Rights of Persons with Disabilities and recommendations made under the final report from the 2012 review of the Disability Standards for Accessible Public Transport 2002, the Department of Infrastructure and Regional Development must progress the establishment of a national framework for reporting on progress against the Transport Standards as a matter of urgency.

5. Clearly establishing the concept of universal design

While the draft guide is intended to reinforce principles of universal design, the concept of universal design has not been properly articulated and explored to provide greater clarity to audiences who may not be familiar with this design methodology. The Seven Principles of Universal Design, developed by the Center for Universal Design at North Carolina State University in 1997, still help guide best practice in universal design and access internationally and should be referred to in the whole of journey guide. Further information about the seven principles of universal design can be found at: <http://universaldesign.ie/What-is-Universal-Design/The-7-Principles/>

Better-establishing the principles for universal design will assist in ensuring that the whole of journey guide, when used to inform design and delivery of services and infrastructure, will help drive a more consistent application of universal design features. This approach would also align with the government's commitments under the National Disability Strategy 2010-2020. One of the areas for future action that has been outlined in the strategy, for example, encourages efforts to improve community awareness of the benefits of universal design.

Recommendation 3:

The guide must be updated to better establish the concept of universal design, with explicit reference to the Seven Principles for Universal Design that were developed by the Center for Universal Design at North Carolina State University in 1997.

6. Developing an education and communication strategy

While the Department has consulted widely with the disability sector in the development of the draft guide, it is still unclear how the finalised document will be marketed.

In light of the fact that many of the accessibility measures referenced throughout the draft guide are neither mandatory nor enforceable, the Department must consider how it can ensure that it is actively taken up by transport providers. We assert that the updated guide must be accompanied by a comprehensive communications strategy outlining the Department's approach to education and promotion to ensure this document does not just remain sitting on a shelf and actually makes a tangible difference.

Promotion and education efforts are likely to have the greatest impact if the Department is able to highlight the business benefits that a beyond compliance approach can offer.

An education and Communication strategy should explore factors such as social return on investment while constantly reinforcing the economic benefits of universal design – especially in light of Australia’s aging population.

An education and communication strategy must also outline how the Department will work to ensure the guide is distributed to companies contracted to design public transport infrastructure and vehicles. The Department also has a very real opportunity to ensure the guide is imbedded into the curriculum for university students studying in a range of relevant disciplines, such as engineering.

Recommendation 4:

The guide must be accompanied by an education and communication strategy that has been developed in close consultation with people with disability and their representative organisations. This strategy must include key targets and timeframes to outline how the Department will work to increase awareness of the guide through higher education and workforce development.

7. Reducing over-reliance on smart phone applications

As the guide identifies, smart phone applications have become an important method of accessing information for many people. For people who are blind or vision impaired, these apps are extremely useful for those who feel confident in accessing them. However, an essential factor to take into account when designing services and infrastructure is that the majority of people who are blind or vision impaired are over the age of sixty-five and do not use a smart phone. Even when technology is accessible, the learning curve associated with adjusting to the use of screenreaders on phones and computers is long and steep for people who acquire vision loss later in life. Therefore, many people either choose not to use smart phone technology, or go through a lengthy period where it is not practical for them to do so.

When thinking about information access from a whole of journey perspective, the use of smart phone technology cannot be regarded as the primary method via which information should be accessed. Audio announcements on board public transport vehicles and easily accessible information in both audio and visual formats on platforms and interchanges are essential to ensure every person is able to access the information they need easily and independently.

As one BCA member wrote:

“It would be great to have assistance on large platforms with audio of which trains and buses are presently approaching or on platforms. In Brisbane, the cultural centre has four possible platform pull-ups for each direction buses travel, but they can miss you due to the bus traffic pulling in and out regardless if you are holding up a sign with a bus number on it. Audio would be so helpful so we can work out which bay our bus is in and this would offer greater independence”.

Unfortunately, even after precedents such as the Innes V. Railcorp court case, BCA continues to receive reports of audio announcements not being consistently turned on across all modes of transport.

One BCA member said:

“It seems to me that the various mediums of transport have not kept up with each other regarding improvements being made, particularly regarding information about where a person is on their particular route. In Brisbane for example, we still have announcements on trains that are made inconsistently in terms of adequate volume and frequency, whereas in Perth, they are near 100% in regard to consistency both in volume and frequency! Bus services seem to be only addressing this issue now, more than 10 years after the standards have been introduced! I still wouldn’t travel on a bus for fear that I would be forgotten even if I asked a driver to tell me where my stop was, when technology is obviously available to make this process automatic!”

It has even been reported that drivers switch off announcements because they either find them annoying or think that other passengers will. This is both frustrating and appalling; especially when considering the National Disability Strategy, which clearly outlines requirements for accessible public transport, is now reaching the final few years of the overall time allocated for its implementation.

The final guide must explicitly outline and reinforce the importance of audible announcements, and include more prescriptive measures to guide the effective implementation of audible announcements. An example of such measures can be found in Section 52 of Ontario, Canada’s transport accessibility legislation, which requires that:

- (1) “Every conventional transportation service provider shall ensure that there are audible verbal announcements of all destination points or available route stops on its transportation vehicles while the vehicle is on route or while the vehicle is being operated.
- (2) Every conventional transportation service provider shall ensure that all destination points or available route stops,
 - (a) are announced through electronic means; and
 - (b) are legibly and visually displayed through electronic means.
- (3) For the purposes of clause (2) (b), visual displays of destination points or stop information shall satisfy the requirements set out in section 58.
- (4) This section applies in respect of the following:
 - (a) Transit buses.
 - (b) Motor coaches.
 - (c) Streetcars.
 - (d) Subways.
 - (e) Light rail.
 - (f) Commuter rail.
 - (g) Inter-city rail.”

Recommendation 5:

The guide must be amended to reinforce the need for, and broader application of audible announcements. These changes must clearly establish that smart phone applications are insufficient in ensuring public transport services can be accessed by all members of the public on an equitable basis.

Recommendation 6:

The draft guide must be amended to include more prescriptive guidance around the implementation of audible announcements, in line with the nature of the measures outlined in Section 52 of Ontario, Canada’s transport accessibility legislation.

8. Emphasising the need for live customer assistance

Factors such as inconsistent accessibility of app design, lack of consistent and intuitive measures for wayfinding and changes to transport services make it absolutely necessary to ensure that customer service officers are in abundance at every point on a public transport journey.

While a sole reliance on smart phone applications alone may cut costs significantly for government and transport providers, it also imposes a significant burden on the economy as a whole. This is because people can experience very high levels of stress and anxiety due to not being able to access the assistance, live information and support they need and may choose not to participate in activities within their communities because of this.

Recommendation 7:

The guide must be amended to explicitly refer to the need for assistance to continue to be provided by Customer Service Officers to ensure the whole of transport journey is inclusive to the needs of the broader community.

9. Emphasising issues faced in rural and remote areas

The draft Guide does not properly acknowledge the challenges for people living in rural and regional areas; where public transport options are less than adequate at best. It is not uncommon, for example, for people living in small towns to have to wait for hours for a medical appointment in a larger town because they have to catch the only bus service that runs early in the morning, and return late that day on the only return service available.

The document appears to be written from a wholly metropolitan perspective; where relatively speaking, public transport is in abundance and connections are easily made,. In rural areas, however, Bus stops are still not easily distinguishable and there are no audible announcements either on-board bus services, or at bus stops. We therefore submit that the transport standards have had little to no impact in rural and remote areas, with the majority of public transport services still not complying with existing requirements.

The National Disability Strategy States:

“All governments in Australia are working on these issues. However, governments agree that they can build on these strengths by working together to develop an integrated national approach that seeks to improve the life experiences of people with disability”.

In reality, BCA constantly receives reports of councils in regional and rural areas being unwilling to create policies to insure transport services and infrastructure are accessible to people with disability. It is therefore difficult to understand how the department will ensure the guide is practically applied across all levels of government, and across all state jurisdictions. While this should feed into the education and communication strategy recommended in section 6 of this submission, legislation also needs to be much more

rigorous in order to compel councils and transport operators to comply with the transport standards.

Recommendation 8:

The guide must be amended to better articulate to challenges experienced by people with disability in rural and remote areas, and the role that local governments can play in addressing some of these barriers. This cross jurisdictional-approach must also carry over to the development of an education and communication strategy (refer to recommendation 4).

10. Highlighting issues relating to the interface Between Transport and Infrastructure

Transport providers only have control over their own vehicles and the infrastructure they are responsible for, such as platforms and interchanges. The whole of journey guide, however, acknowledges that the start and end of a journey is equally important to the experience of accessing public transport. In order for accessible public transport and build environments to be properly utilised by people with disability, there must therefore be safe, barrier-free pedestrian access in and around public spaces.

Local government authorities typically have different policies on matters such as kerbside dining and pedestrian access, which continues to limit the accessibility, consistency and predictability of pedestrian environments for people who are blind or vision impaired. It is also common for councils to deflect responsibility for the elimination of obstacles onto private businesses or land holders; making advocating for the removal of such obstacles a very onerous process.

Pedestrian obstacles, along with issues such as lack of audio tactile traffic signals on major intersections, lack of defined footpaths, shared footpaths can prevent people who are blind or vision impaired from accessing public transport at all. As a result, people who are blind or vision impaired are often forced to rely on taxis, which are beyond the budget of many people whose only income is the Disability Support Pension (blind).

Recommendation 9:

The Department of Infrastructure and Regional Development must give careful consideration to how it will amend the draft guide to provide clear guidance about how transport providers can work with local councils to ensure that surrounding pedestrian environments are fully accessible.

Recommendation 10:

The Department of Infrastructure and Regional Development must work with the Office for Local Government to develop a best practice guide to pedestrian access. This guide would help drive greater consistency across jurisdictions, and could form the basis of an e-learning module on pedestrian access to be made available through the Centre of Excellence for Local Government.

Conclusion and summary of recommendations

We thank the Department for taking the time to address the issues raised throughout this submission and for work undertaken to-date on the development of the whole of journey guide.

While the guide has the potential to be a very useful resource for transport providers, we assert that further measures are needed to ensure the guide will have a real and lasting impact on the transport experience of passengers with disability. We look forward to continuing to work with the Department to help implement some of these measures, in line with the recommendations that have been made throughout this submission. A summary of these recommendations has been included below for ease of reference.

Recommendations

1. The Department of Infrastructure and Regional Development must prioritise the modernisation of the Disability Standards for Accessible Public Transport 2002 as a matter of urgency. The process of updating the standards should be undertaken in close consultation with people with disability through their representative organisations.
2. In line with advice provided by the Committee on the Rights of Persons with Disabilities and recommendations made under the final report from the 2012 review of the Disability Standards for Accessible Public Transport 2002, the Department of Infrastructure and Regional Development must progress the establishment of a national framework for reporting on progress against the Transport Standards as a matter of urgency.
3. The guide must be updated to better establish the concept of universal design, with explicit reference to the Seven Principles for Universal Design that were developed by the Center for Universal Design at North Carolina State University in 1997.
4. The guide must be accompanied by an education and communication strategy that has been developed in close consultation with people with disability and their representative organisations. This strategy must include key targets and timeframes to outline how the Department will work to increase awareness of the guide through higher education and workforce development.
5. The guide must be amended to reinforce the need for, and broader application of audible announcements. These changes must clearly establish that smart phone applications are insufficient in ensuring public transport services can be accessed by all members of the public on an equitable basis.
6. The guide must be amended to include more prescriptive guidance around the implementation of audible announcements, in line with the nature of the measures outlined in Section 52 of Ontario, Canada's transport accessibility legislation.
7. The guide must be amended to explicitly refer to the need for assistance to continue to be provided by Customer Service Officers to ensure the whole of transport journey is inclusive to the needs of the broader community.
8. The guide must be amended to better articulate to challenges experienced by people with disability in rural and remote areas, and the role that local governments can play in addressing some of these barriers. This cross jurisdictional-approach must also carry over to the development of an education and communication strategy (refer to recommendation 4).

9. The Department of Infrastructure and Regional Development must give careful consideration to how it will amend the draft guide to provide clear guidance about how transport providers can work with local councils to ensure that pedestrian environments are fully accessible.
10. The Department of Infrastructure and Regional Development must work with the Office for Local Government to develop a best practice guide to pedestrian access. This guide would help drive greater consistency across jurisdictions, and could form the basis of an e-learning module on pedestrian access to be made available through the Centre of Excellence for Local Government.