



Disability Justice Advocacy's response to the 2012 Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)

Background

Disability Justice Advocacy Inc (DJA) provides advocacy support to people who have high support needs as a result of a physical or multiple disabilities. DJA is governed by a Board of Management comprised of elected persons from its general membership. It has been in existence since 1990 and is primarily funded by the Commonwealth Department of Family, Housing, Community Services and Indigenous Affairs. The focus at DJA is to work with the person with a disability in supporting their needs, rights and interests to address and resolve issues they identify. Our mission statement is therefore to provide quality advocacy to people with high support needs, who are in greater need, in order to protect and advance, their well being, rights and interests both individually and collectively.

DJA is independent of other services and free of conflicts of interest. There is no charge to use the service.

Although DJA is federally funded, we are a state based organisation with our client catchment area being restricted to metropolitan Melbourne and a population of over 2 million. Therefore the public transport issues raised here are sourced from the experiences of using the metropolitan rail network as identified by our clients and team of advocates.

This report was also developed in consultation with the All Aboard Access Network (AAAN) which is under the auspice of the Victorian Council of Social Services (VCOSS). The vision of the AAAN is to achieve a transport system that is independently and universally accessible in Victoria.

Questions for people with a disability, their representative organisations and the community generally

- Has your accessibility to public transport improved since the commencement of the first Transport Standards review in 2007?

Since the Transport Standards Review in 2007 there has been some marked improvements in the experience of using public transport infrastructure and services.

This includes;

- Ongoing gradual roll out of new low floor tram and bus conveyances.

- Increased signage indicating disability accessible facilities.
 - Installation of tactile ground surface indicators
 - Increased availability of handrails and grab rails as mobility aides.
 - - Greater accessibility to Protective Service Offices to request direct assistance.
- How has your accessibility to conveyances (eg trains, buses and coaches, trams, ferries, wheelchair accessible taxis and aircraft) changed? Can you provide examples?

BUS

People with severe mobility impairments have reported frustration in trying to board a bus. Due to the degree of their limited physical movement they are unable to waive down and indicate to the driver their wish to board. Even though the individual is waiting at the bus stop, they have reported not being noticed by the bus driver, who therefore does not pull over but continues to drive along their route.

People who are non-verbal and use a mobility aid (other than a wheelchair) have reported difficulty in requesting ramp access in order to board the bus. They are at a loss to notify their need for ramp access to the bus driver, when their mobility needs are not as apparent as those in a wheelchair, such as using a walking frame or wheelie walker.

Clients with highly restricted mobility, have reported difficulty in being able to press the button in order to indicate their wish for the bus to stop. People in this situation have no movement in their arms and will often have the means to mobilise with alternative technology, such as pressing a head control panel in order to utilise their immediate environment. Linking public transport accessibility to this technology is possible, should there be a will to do so to facilitate it.

Astonishingly, incidents still occur where clients with a disability are refused access to a bus service on the apparent basis of just having a disability. No other reason was provided, other than the disinterest of the bus driver to provide the required assistance for the person with a disability to board the bus.

TAXI

Clients have also expressed frustration in their inability to obtain wheelchair accessible taxis (WATs). Supporting many of the findings that came out in the Alan Fells Taxi Industry Inquiry, many clients report taxi's never attending to their request, or if they do, they are significantly late.

Due to the provision of WATs not being as accessible as standard passenger taxis, people with disabilities are more likely to miss out on the service. If the recommendations in the Inquiry are picked up, it is hoped that by the 1st of July 2013, there will be a change of strategy in place for WATs. This in turn, should achieve a more equitable waiting time for people with disabilities, as able bodied people. Whilst this perhaps may sit outside the control of the Australian Transport Council, it still has bearing, in the sense that this non-equivalent access is in breach of the Disability Discrimination Act and requires further scrutiny and regulation by the Department.

- How has your accessibility to information (eg, maps, timetables, announcements, etc) changed? Can you provide examples?

While there has been some degree of improvement to audible announcements on trains, the frequency of audible announcements on trams is still very poor. In a survey conducted by Blind Citizens Australia between the 9th -20th April, 2012 they found that on metropolitan train trips over one in eight trips during the morning period and over one in five trips during the afternoon period had no audible announcements. The situation was significantly worse for trams and buses. The results for trams found that in am trips audible announcements were provided on only 41.7% of trips. This dropped further in the pm session to 36.2%. Busses were a dismal 3.5% and 4.1% respectively for am and pm periods. These statistics fall drastically short of the 100% target date by the 31 December 2007, as required by the compliance schedule in DSAPT.

The report also indicated the frequency of incorrect announcements, which can often be worse than having no announcements. At least when you know you don't know, you can ask another passenger, but when you think you know and you don't, you tend to find yourself in a worse predicament. The study also found that announcements were often blurred and unclear or provided too late, well after the train had already departed from the station.

The web page accessibility of most of the public transport operators and providers still do not meet international standards. Such as <http://www.metrotrains.com.au/how-to-use-metro/accessibility>. Much of the public transport user information and even accessibility information is not available in format that a person with a visual impairment would be able to access and utilise. One of the accessibility web pages <http://www.vline.com.au/home/website/accessibility.html> shows that the page is still not available in accessible format and that it is still under construction, even though the web page has been under construction at least since 20 October 2010 -over 2 ago. Other links to redirect to accessible web pages do not work or the visual enlargement functions do not work.

The Accessibility Action Plans of operators do not address the plan to have web page accessibility; therefore there is no forecasted date by which this should be achieved. The Web Accessibility Initiative developed guidelines for the development of web accessibility to have international standards. Guidelines are available at www.w3.org/WAI/.

Commuters in wheelchairs have also indicated that signage needs to be at eye level from wheelchair height, rather than just from standing height. They miss much information and directions simply because the information available is not within their line of sight.

A recommendation for improved signage at suburban station with an island platform, has been to install the platform number at right angles to the length of the station, rather than parallel, so that it is visible from any part of the platform. Commuters have expressed frustration at not being able to identify the platform number, from standing at the entrance of the platform. This requires a person to mobilise some distance down the length of the platform so that the platform number can be identified.

- How has your accessibility to infrastructure immediate to boarding a conveyance changed? (eg, any structure or facility that is used by

passengers in conjunction with travelling on a public transport service).
Can you provide examples?

TRAIN

Accessibility to conveyances at newly constructed or renovated public train stations have only been available by lift or stairs. The Disability Standards for Accessible Public Transport needs to specify the requirement of ramp access. The imperative for ramp access means that the platform is constantly accessible, and not subject to vandalism, malfunction or electricity failures. In these situations where lift access is not available people with a disability are barred from being able to access the train, and thereby the whole metropolitan rail network. More critically, a person with a mobility aid is prevented from leaving the platform on disembarking from the train. This could have severe consequences in a situation of OH&S risk.

Additionally ramp access is a one time infrastructure expense that does not require ongoing usage costs or maintenance and therefore ultimately a better use of government investment.

Another significant area in which train services fall short of the accessibility requirements of DSAPT, is that only the first carriage of every conveyance has an available boarding ramp for mobility aides. This fails to meet equivalent access, where a person on a mobility aid may be required to travel the full length of the platform and not be able to board the nearest carriage. This means that a person with a mobility aid is more likely to miss their train, where an able bodied person arriving at the station at the same time would not. Furthermore, only some stations (predominantly the city loop) indicate where Disability access is available from the platform. At most suburban stations this information is not indicated.

Additionally, the first and only carriage available for people with a mobility aid, is at times occupied by cyclists with their bikes, leaving insufficient space for those to whom it is designated for. This could be addressed by providing sufficient signage that indicates to cyclists, the first carriage being a priority area for people with mobility aides. Currently there is no signage that indicates this, nor is this requirement ever enforced, having the affect of it being rarely adhered to. This situation is particularly worse in peak hours where the platform is full and access to the last carriage is difficult.

TRAM

Whilst the gradual roll out of the new model low floor trams have the potential to increase accessibility, most tram stops are still not accessible due to the vertical boarding gap between the tram and the street level or the horizontal gap between the tram and the raised boarding kerb.

By December 2012, compliance for this Standard should be at 55%, however the majority of tram stops, do not have a raised kerb, and in cases where they do, the horizontal gap is still exceeding the allowable distance of 40mm. While bridging plates are now available on some versions of the new low floor trams, they need to be available on **all** new tram roll outs, as well as signage indicated that this service is available and how it is activated. This means that irrespective of new infrastructure improvements that have been made to the tram network, without this consistent roll out of bridging plates, the accessibility of trams has still not improved. The network still does not provide an unhindered access pathway from the journey's beginning to end.

Some early installed Tactile Ground Surface Indicators (TGSIs) at both tram and train stations no longer lead to the change of access path way that it was initially built towards. Due to modifications and infrastructure being updated, the TGSIs that were initially installed now lead to nothing. This can be particularly confusing and disorienting for people with visual impairments who rely on them for direction.

- What do you currently see as the greatest areas of need with regard to accessibility of public transport for people with disability? Can you provide specific examples?
 1. As a public transport user, are there areas of the Transport Standards where you consider that a more specific requirement for compliance would improve accessibility?

It is critical that the DSAPT specifies the requirement for there to be ramp access at every Victorian train station. Where lift access may be available as just an additional access pathway. With existing train stations, they should be retrofitted to include a backup generator where only lift access is available.

As mentioned earlier, the DSAPT needs to include a compliance requirement of Web page accessibility that ensures available access to transport service information for those with a visual impairment on the web pages of all public transport operators and providers.

Ideally it would be valuable for the DSAPT to include a requirement for public transport operators and providers to have Accessibility Action Plans prepared for their own quality assurance and to be made available to the public. The accessibility action plans would be required to include compliance dates for infrastructure and service improvements that maintain DSAPT compliance dates as a minimum target, for which they can internally improve upon. As well as indicate percentage of work already undertaken to meet the compliance target. This would hopefully hold operators and providers to account for their progress, ensure that target dates do not get unnecessarily blown out and invite public feedback to comment on degree of coverage and priorities.

2. To what extent do you feel that the requirements in the Transport Standards address all of the accessibility requirements for people with a disability? Are there gaps in the coverage of requirements?

The frequent reference to Australian Standards makes the DSAPT a difficult document to utilise and to ascertain rights and responsibilities in relation to public transport infrastructure. The Australian Standards which are merely cited in the document, but the details of which are not included in the body of the DSAPT, makes it difficult to determine the actual standard requirement relevant to the specific infrastructure. This challenge is compounded because the Australian Standards are not publicly available, nor are specific sections available on request. The Standards are costly and difficult to access. The effect of this makes the exact requirements of the DSAPT left undetermined by most of its readers. To address this, the details of the relevant Australian Standard needs to be included in the body of DSAPT, or at least attached as an appendix, if this makes the document too cumbersome.

3. Do you find that the current processes with regard to making a complaint or seeking information are sufficient or sufficiently responsive?

The current complaint resolution methods are not sufficient in either picking up the difficulties experienced by people with a disability using public transport, nor is it a process that is easy to utilise and achieve a satisfactory resolution for the user. Complaint mechanisms through the Victorian Equal Opportunity Human Rights Commission or the Australian Human Rights Commission are not greatly accessible by means of them being 'user friendly' for people with disabilities due to a combination of factors; cost - if seeking legal representation, if choosing to represent oneself the unfamiliarity with the service and its processes can be a major barrier; The intimidation of being confronted with legal and higher level management from the public transport operators and providers. The language used in conciliation is often complex and technical; the substance of the negotiation is only partially addressing the personal impact on the individual, but the bulk of discussion addresses how the situation sits in the legislated framework and the technical requirements of infrastructure. There is limited information regarding either the conciliation process and potential outcomes or the right of the public transport user available in Standard English or Easy-Read format. This makes it difficult for many people with a disability to be aware of their rights, let alone be able to advocate for themselves effectively.

Some of these issues could be addressed through liaison with disability community groups and networks. In order for the members of these groups to gain greater familiarity and confidence with the complaint resolution methods available and provide information tools that could educate users on their rights and responsibilities and thereby assist in self representation.

Regular referral could also be made by public transport operators and providers, when unable to resolve a matter internally to disability advocacy organisations or community law organisations, who can assist and support the individual in their representation at the commission.

Another challenge is the determination of who is the correct complaint resolution body. In a case at DJA, we received a complaint from a client who did not have anywhere to park her motorised scooter at her local train station, while she wanted to board a train to go into the city. The Public Transport Ombudsman (PTO) has limited capacity to support the rights of the individual in DSAPT, as they only take complaints regarding services, not infrastructure. The VEOHRC, was unable to receive the complaint either, as it was the type of motorised scooter that was barred from being left in the bike shelter, and therefore difficult to justify on the grounds of discrimination. This left very little recourse for the woman who was dissatisfied in the way the complaint was being managed internally by Public Transport Victoria.

Based on the presumption that in all probability there are many circumstances similar to this one, another option to improve complaint processes is to broaden the jurisdiction of the Victorian Public Transport Ombudsman to include not just services, but infrastructure as well. Infrastructure frequently impacts consumer rights and the ability to utilise services. The inability to have infrastructure issues addressed indicates a wide gap in the complaint resolution service for public transport users.

Furthermore the jurisdiction of the PTO is just within the state of Victoria, however the Disability Discrimination Act (DDA) is federal legislation, therefore the PTO won't take complaints on the basis of their breach of the DDA. In a similar fashion, the VEOHRC only operates under the state Equal Opportunity Act, and can also not receive a complaint made under the DDA. This leaves very little recourse for an individual wanting to protect their rights under DSAPT and thereby the DDA, without taking formal legal action.

This could potentially be addressed through broadening the scope of the Victorian Disability Services Commissioner, which at this stage only responds to complaints made against registered disability providers. However the jurisdiction of the Disability Services Commissioner could potentially be broadened to include adherence to the DDA and compliance to the regulations specified in the DSAPT. Additionally, the Disability Services Commissioner is already an established body, which addresses disability related issues on both an individual and systemic levels.

4. As a body representing the views of people with a disability, do you have any specific responses or perspectives with regard to the issues raised in the questions above?

Disability Justice Advocacy has invested significant time and effort in making available for our clients all the information about our organisation's policies and procedures in Easy and Standard English formatted documents. This has been undertaken because of the value that has been placed in empowering our clients with a disability and supporting them in becoming aware of their own rights and responsibilities whilst engaged in our service. Should the client have some concern about the service they are receiving they have a point of reference of information that is available to them in a way that they can utilise and understand independently.

Likewise the DSAPT, ideally needs to be available in as many formats that make its information content accessible to as greater range of disability needs as possible. This includes Easy and Standard English, Braille and audio.

As the proportion of this population that this piece of legislation seeks to serve will often have an Intellectual Disability or some form of cognitive impairment, the easy and standard English formats are critical in making this population aware of their rights and responsibilities and empower them towards greater confidence in their use and familiarity of the public transport system.

The All Aboard Access Network has already began to undertake this as a project, where the most relevant sections of the DSAPT have been translated into Easy English, in a way that allows for easier comprehension of each standard. DJA, would highly recommend the Department seeking consultation from All Aboard in view of making an easy read and standard English conversions of DSAPT available to the disability community in the wider public.

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