

14 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 Secretariat

## **2014 Draft Report of the Review of the Disability Standards for Accessible Public Transport**

Local Government NSW (LGNSW) welcomes the opportunity to provide a response to the 2014 Draft Report of the 2012 Review of the Disability Standards for Accessible Public Transport.

LGNSW is the peak body for NSW Local Government, representing all the 152 NSW general-purpose councils, the special-purpose county councils and the NSW Aboriginal Land Council. Local Government NSW is a credible, professional organisation representing Local Government and facilitating the development of an effective community-based system of Local Government in NSW.

### **(A) INTRODUCTORY COMMENTS**

The comments on the Draft Report contained in this submission should be read in conjunction with the LGNSW submission in response to the 2013 Issues Paper (a copy of this previous work to this submission is attached). As noted in that submission, our response is guided by the following resolution from the 2011 NSW Local Government Association Annual Conference:

*That the Local Government Association calls upon the Australian Government to provide funding and resources in order to modify existing and/or establish new infrastructure to assist local councils with their obligations under the Disability Discrimination Act to comply with the Disability Standards for Accessible Public Transport requirements so that the necessary infrastructure can be transformed to meet the required standards.*

As Local Government in NSW is required to comply with the standards in the provision of accessible bus stops and taxi infrastructure, our previous submission largely addressed issues relating to the ability of Local Government to realistically fund and therefore achieve legislated requirements and targets for this infrastructure.

Points raised in this submission included:

- The need for nationally coordinated collection of data to establish an overall picture of the size of the infrastructure task facing Local Government, its progress in the implementation of the Transport Standards, and the sector's ability to adequately fund these requirements;
- That the introduction of the Transport Standards was not accompanied with any additional resources for implementation, nor was there a process to allow the full impact or cost-shifting implications on Local Government to be fully assessed.
- The scale and cost of implementation of the accessible transport standards may be beyond the financial and asset management capability of Local Government.
- Councils in NSW actively plan for the provision of accessible infrastructure, for example within their comprehensive accessibility and/or pedestrian and mobility planning frameworks. The Integrated Planning and Reporting framework underpinning Local Government governance in NSW allows for the inclusion of accessible infrastructure and related issues in the context of councils' overall strategic planning and asset management systems, within an overall strategic, community and financial planning framework (Ref Local Government Act – 1993, Sections 402 and 406).
- Without appropriate funding to address the compliance targets supporting the Transport Standards, councils may be unable to resource the required works in the target timeframes.

### **(B) COMMENTS ON THE REPORT RECOMMENDATIONS**

In response to the 2014 Draft Report of the Review of the Disability Standards for Accessible Public Transport (DSAPT), LGNSW sought the views of our member councils on the 7 key recommendations. This submission summarises those responses.

### **(1) National reporting on compliance**

- National reporting framework is supported to ensure consistency across jurisdictions.
- LGNSW agrees that a national framework for reporting on compliance should be established to assess progress of implementation of the Standards, providing that recommendation 2 (see below) is implemented to give opportunity to councils to assess the impact of proposed changes and updates.

### **(2) Modernise Transport Standards**

- LGNSW agrees that the Transport Standards be updated and refer to the revised Australian Standards (AS1428.1- 2009), which has superseded the AS 1428.1–2001 and A1428.4 -200 referenced in the current Transport Standards.
- We also agree that the process should be done in consultation with stakeholders to give them the opportunity to assess the impact of proposed changes to the standards.
- The development of a suite of mode-specific standards should be a priority and overseen by a technical standards group. The Australian Government as the driver of the reforms should demonstrate a leading role and take greater ownership of the process and provide funding and resources to develop the suite of standards.
- The provision of a best practice clearing house is supported, but the standards should also give guidance where compliance is not possible due to significant physical, technical and cost constraints.
- The ability of councils to effectively achieve the ongoing compliance targets, especially the 80% compliance target by 2017 and beyond, has been questioned by many of our members. Two council examples are provided below:
  - One larger urban council has estimated that the cost of upgrading all 750 bus stops in their council areas to full DSAPT 2002 standards would be about \$4 - 4.5 million or \$6,000 per bus stop.
  - Another large Sydney council has confirmed our earlier statements that legislated changes to the responsibilities for the provision of accessible transport infrastructure have not been supported with additional resources for the delivery of upgraded assets. This has constrained the council in implementing a public works program that accommodates higher standards of construction to meet compliance targets and timeframes". That council has estimated cost to undertake the works to be about \$2 million from 2012/2013 to 2021/2022, the cost of which has not been supported with the provision of appropriate resources. Again we emphasise that without appropriate funding to engage the compliance targets for councils may be unable to resource the requested works in the target timeframes.
- Revisions to the guidelines and the lack of information and advice support have also been identified as impediments to effective upgrade programs.

### **(3) The complaints process**

- The complaints process should encourage an improved and better promoted conciliatory process, particularly under "unjustifiable hardship" to avoid unnecessary costs to both stakeholders and people with disabilities.

### **(4) Whole-of-journey accessibility**

- LGNSW recommends that any guidelines that are developed are consistent with guidelines developed for the NSW Government's Disability Inclusion Bill 2014. Under this likely legislation, NSW councils will be required to develop Disability Action Plans. Any guidelines should allow councils to implement whole-of-journey accessibility through their current Integrated Planning and Reporting processes, rather than through a separate process.
- We agree that whole-of-journey accessibility guidelines to public transport should be developed. However, it should include costing estimates for works, so stakeholders could work on their budget and assess resources.
- There is the potential for a whole-of-journey focus to reduce or dilute councils' investment in the compulsory components of the *Disability Discrimination Act*. For example, the provision of hardstand access for all bus stops may trigger requests from the community for connecting footpaths or other associated infrastructure.

### **(5) National motorised mobility aid labelling scheme**

- A range of issues regarding motorised mobility devices have been raised by councils over many years, including infrastructure standards, vehicle/device standards, training, licensing of users and issues relating to the compatibility of mobility devices with other users on shared paths.

- It is also agreed that a national motorised mobility aid labelling scheme be developed to ensure devices meet construction and transport standards. This scheme would also help councils where relevant to plan access paths, manoeuvre areas and space at various public areas that are their responsibility.

**(6) National wheelchair accessible taxi compliance milestones**

- Not relevant to Local Government.

**(7) Review of Disability Access Facilitation Plan**

- LGNSW has not received feedback from our members regarding this issue. However, given the large number of councils with direct responsibility for the regional airports and aerodromes, we agree that a review of the effectiveness of Disability Access Facilitation Plans would be an appropriate initiative, provided that any identified accessibility measures are resourced accordingly.

Thank you for the opportunity to comment on the Draft Report. Should you require further information on our response, please contact Richard Connors, Senior Policy Officer Roads and Transport on [REDACTED] or [REDACTED].

Yours sincerely

Noel Baum  
**Director – Policy**



Our ref: R94/0186 Out- 21431  
Further contact: Margaret Kay or Richard Connors

26 April 2013

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

Dear Secretariat

**2012 Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)**

Local Government NSW (LGNSW) welcomes the opportunity to provide a response to the *2012 Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards) Issues Paper*.

Local Government NSW is the peak body for NSW Local Government, representing all the 152 NSW general-purpose councils, the special-purpose county councils and the NSW Aboriginal Land Council. Local Government NSW is a credible, professional organisation representing Local Government and facilitating the development of an effective community-based system of Local Government in NSW. (LGNSW's predecessors were the Local Government and Shires Associations of NSW.)

Our response to the Issues Paper is framed by the following resolution from the 2011 NSW Local Government Association conference:

*That the Local Government Association calls upon the Australian Government to provide funding and resource in order to modify existing and/or establish new infrastructure to assist local councils with their obligations under the Disability Discrimination Act to comply with the Disability Standards for Accessible Public Transport requirements so that the necessary infrastructure can be transformed to meet the required standards.*

As Local Government in NSW is required to comply with the standards in the provision of accessible bus stops and taxi infrastructure, our response will address the questions in Section A of the paper-questions for operators, providers and their representative organisations.

1. *Have you been able to meet the 2007 Transport Standards legislated targets? If not, can you elaborate on the reasons for not being able to meet these targets?*

2. *Have you been able to meet the 2012 Transport Standards legislated targets? If not, can you elaborate on the reasons for not being able to meet these targets?*

LGNSW has no definitive data on the number of bus stops across NSW which have been modified to meet the 2007 or 2012 standards. In order to develop an evidence base by which to understand the extent of compliance, we would support a nationally coordinated collection of data. This would establish an overall picture of the size of the infrastructure task facing Local Government, its progress in the implementation of the Transport Standards, and the sector's ability to adequately fund these requirements.

Sources independent from Local Government, including the NSW Bus and Coach Association, have given some sense of the scale of the accessible infrastructure issue in NSW. For example there are approximately 7,200 regular bus routes in greater metropolitan Sydney, and possibly another 1,000 routes in rural and regional areas of NSW. Within these routes there are over 37,200 individual bus stops in Sydney alone, and estimates of another 10,000 bus stops outside of Sydney. It is also worth noting that these estimates exclude the hail and ride stops which are common especially in rural and regional areas of NSW.

These numbers, while indicative only, illustrate the scale of the infrastructure issue facing councils in NSW.

*3. Are there requirements that have proven to be impractical or difficult to implement? If so, please specify.*

LGNSW is concerned that the introduction of the Transport Standards was not accompanied with any additional resources for implementation, nor was there a process to allow the full impact or cost-shifting implications on Local Government to be fully assessed. The scale and cost of implementation of the accessible transport standards may be beyond the capability of Local Government.

Councils in NSW already face a massive task in funding and maintaining existing assets. The ongoing sustainability of funding streams to support infrastructure commitments is a priority for Local Government. Research conducted for the 2006 Local Government Inquiry in NSW suggest that councils in NSW face an infrastructure renewal backlog of \$6.3 billion, and an annual renewal gap of \$600 million, mainly to address the problem of roads and transport related infrastructure reaching the end of their economic life and replacement and maintenance being beyond their capacity. (*Source: Independent Inquiry into the Financial Sustainability of NSW Local Government, 2006*). This funding gap has been confirmed by a recently released NSW Treasury Corporation (TCorp) report on the assessment of the financial sustainability of NSW councils, which shows that the infrastructure backlog had grown to \$7.2 billion as at 2012.

The 2007 *Review of the Disability Standards for Accessible Public Transport 2002* recommended that Commonwealth, State and Territory governments provide funding for projects in regional and rural regions where Local Governments are unable to resource upgrades of public transport infrastructure (Recommendation 7). LGNSW notes that the Australian Government's response to this recommendation was essentially that the provision of funding is a matter for each state government to consider. We suggest that, until there is a commitment from the NSW and Australian governments to adequately resource Local Government to address the infrastructure burden of the Standards, it is unlikely that the targets will be met.

Under the 2006 Inter-Governmental Agreement (IGA) with the Federal Government on cost shifting, an agreement was reached that Local Government would be compensated for any additional work it has to perform on behalf of, or to meet the requirements of other levels of government. The 2013 Inter-Governmental Agreement (IGA) with the NSW Government contains a similar clause. The introduction of the Transport Standards in 2002 was not accompanied with any additional resources to implement the requirements in the legislation, nor was there a process to allow the full impact on Local Government to be fully assessed.

*4. Can you provide detail on any initiatives and action you have undertaken, not currently detailed under the Transport Standards or other legislative requirements, in relation to removing discrimination against people with disabilities?*

Local Government in NSW actively plans for the provision of accessible infrastructure, for example within their comprehensive accessibility and/or pedestrian and mobility planning frameworks. The Integrated Planning and Reporting framework allows for the inclusion of accessible infrastructure and related issues in the context of councils' overall strategic planning and asset management systems.

The Standards establish specific requirements for access to transport services such as establishing the space allocation requirements for wheelchairs on buses and trains, lift and ramp access at railway stations and bus/rail interchanges, and access to transport service information. In addition to these responsibilities passengers must also have the capacity to use a mass transit system. This is where Local Government plays a major role integrating accessible public transport services with the provision of accessible bus stops, footpaths and kerbside infrastructure to create accessible and liveable communities. Without appropriate funding to address the compliance targets supporting the Transport Standards, councils may be unable to resource the required works in the target timeframes.

Thank you for the opportunity to comment on the issues paper. Should you require further information on our response, please contact Richard Connors, Senior Policy Officer Roads and Transport on [REDACTED] or [REDACTED].

Yours  
sincerely



Baum

N  
o  
e  
l

Director -  
Policy