

19/03/2008

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To Whom It May Concern,

RE: Review of Disability Standards for Accessible Public Transport, Response to Draft Report.

ParaQuad Victoria provide a range of services to people who have physical disabilities throughout Victoria and is a contributory representative of people who have physical disabilities within the Public Transport Access Committee of the Victorian Department of Infrastructure Victoria. As a disability service provider, we wish to make the following comments and recommendations regarding the Draft Report of the Review of the Disability Standards for Accessible Public Transport.

Statements as follows are considered key issues identified by ParaQuad Victoria. Recommendations for consideration of address within the final report are listed immediately thereafter.

Standards

Compliance standards milestones are 2007, 2012, 2017, 2022 & 2032. (P134). The Australian Standards are not available free of charge and the cost of purchasing all relevant Australian Standards that apply for the Transport Standards is reported to be in excess of \$500. (P141). As these standards frame compliance issues, these standards need to articulate the rights of access to public transport by all users/potential users.

Audit-Compliance Monitoring

There is currently no standard mechanism for reporting compliance with the Transport Standards but no body/entity that is empowered to ensure compliance accountability. The complaint driven response to issues while valuable, is insufficient.

Legal advice has recently been received from the Commonwealth Chief general Counsel to the effect that HREOC does not have the power under its existing statutory functions to certify that unjustifiable hardship or equivalent access applies to certain circumstances. (P115)

Exclusions

The review highlights 2 major exclusions in the Transport Standards – exclusion of dedicated school bus services from physical access requirements of the TS and exclusions of community transport services from compliance with TS. (P166). These are unnecessary indeed prohibitive in ensuring access to transport services for all users and potential service users, notably people who have disabilities.

We believe that it is too easy for transport services in rural and remote areas to gain 'exemption' under the Standards. Reasons given for exemption, eg cost, lack of infrastructure. Geographic factors and resources available are naturally experienced by rural communities. (P112) 'I'm deeply disappointed ... with the actions of the Australian Rail association at what seems to be an attempt to rewrite the standard of their application. The Australian rail Association has overstepped the mark.' (Douglas Herd 2007, Draft Report,P113)

Discrimination

Many Stakeholders did not distinguish b/w the different objectives of:-

Removing discrimination for people with disability to access Public Transport (PT) on the same basis as all other people in the community; versus

Providing specific transport and support networks for people which meet their needs and allow them to participate in the community. (P5)

For many people with disability, public transport services have not yet reached a threshold level where they have 'whole of journey' accessibility. (P72)

Complaints are likely to only represent a small degree of actual cases of discrimination, given the effort involved in an individual making a complaint, and to make a complaint, an individual needs to be aware of their rights, and be able to recognise when they are being discriminated against. (p6)

There is a relatively low level of understanding of rights by people with disability, which is a concern given the reliance on individual complaints in the compliance mechanism around the transport Standards. (P123)

Taxi

♣ Response times

Compliance target 31-12-2007 that 'Response times for accessible vehicles (Taxi/dial ride) are to be the same as for other taxis. (P7) This has not occurred, although the response time has improved from terrible to poor.

In public hearing, many examples were cited of passengers regularly experiencing very long response times. (P39) Taxi submission states " the Australian Taxi industry has used, and will continue to use, its best endeavors to provide the fastest possible response time for WAT bookings. (P41) The Taxi Directorate must ensure that the 31/12/07 targets are achieved without delay.

♣ Taxi Physical Restrictions

Many wheelchair accessible taxis [WATs] could not accommodate mobility aids/wheelchairs etc even though those aids did not exceed the dimensions specified by the Transport Standards. (P39)

WAT design uses the Transport Standards prescribed 'footprint' and an entry height, BUT not a three dimensional space. Those WATs with a curved back door therefore cannot accommodate the dimensions the Transport Standards intended to allow for. (P48)

Increased use of Motorised scooters impact on accessibility as many mobility scooter dimensions exceed the prescribed area, and scooters can be heavier, even over 100Kg. (P29) Other taxi problems occur when the mobility aid exceeds the transport Standard of 300kgs and are unstable during travel, particularly a problem for three wheel scooters. (P48)

WAT license conditions throughout Australia permit carriage of other passengers when not engaged in bookings for Wheelchairs (P39)– This will continue to be abused until the driver is adequately compensated for extra time needed to enter or dismount a disabled passenger..

Note: New hybrid taxis (Electric/dual fuel) are being introduced into the taxi fleet, but none are planned to be w/chair accessible. A specified percentage of the taxi fleet, informed by identified need, must include WATs.

Trams

DOI estimates that boarding onto a low-floor tram from an accessible stop is approximately 3% of the services. (P36) **Only 7% of tram stops meet accessible standards, 31-12-2007 target is 25%** (P37)

Although 21% of metropolitan trams are low-floor accessible trams.....few trips can combine both accessible tram and accessible stops to get on or dismount from. (P34) i.e. for a person in a wheelchair, accessing a tram requires both a low-floor tram on the route and a platform stop to get on/off. (P35)

Bus

Transport Standards do not address the needs of students with a disability who will continue to find it difficult to travel to and from school and for extra-curricular activities. (P54)

Many ticketing outlets for prepaid Bus tickets may not be accessible for someone with a mobility or visual impairment. (P56)

General transport information, including timetables of accessible bus services and information at bus stops are not yet fully accessible. (P57)

Air Travel

A common view was that air travel accessibility for people with a disability has gone backwards over the past 5 years. (P62) Recent Air ravel changes now place restrictions on travel conditions, ie. travelling with a carer, limiting access space to carry mobility aid, and constraining access to air travel for people with a disability. (P60)

Some airlines now apply their own 'independent travel criteria' to assess whether or not a person can travel without a carer. Some airlines were unable to guarantee that a person's mobility aid would travel on the same flight as the passenger. (P63)

Tiger Airways, requires vision impaired people to travel with a fee paying carer, and mobility impaired passengers may be subject to fees for using boarding devices. (P67) The application of airline policy relating to independent travel, carriage of mobility aids and boarding procedures is inconsistent. (P79)

Taxi-Bus-Airline Training

At present WAT drivers have some training on providing a service to people with a disability, however many people with a disability are able to use conventional taxis. There is no training for sedan drivers (Conventional), people with guide dogs, manual wheelchairs and walkers are regularly refused access by drivers. (P49)

Drivers of wheelchair accessible taxis are inadequately trained, likewise airline staff (P79) and stakeholders highlighted that bus drivers were often unaware of how to use disability access equipment on route bus services. (P55) Inconsistent provision of 'direct assistance' on buses/trains causes staff to refuse help. (P80)

The experience of an individual (train) passenger's ease of accessibility varies from day to day, depending on the knowledge and experience of the staff member assisting them. (P28)

Recommendations

- That an entity be empowered with the authority to ensure compliance accountability. The complaint driven response to issues while valuable, is insufficient.
- That the "Australian Standards" be available through i.e. local library borrowing programs and that an advertising campaign be mounted, along with user friendly booklets, to explain customer 'Rights' & 'how to make complaints'. We support the PTAC Chair suggestion that HREOC have powers to refer 'breaches' directly to the Federal Court, or if the recommendation above be instituted, to that entity.
- That transport operators/providers register with the body responsible for amending the Australian Standards so operators/providers are kept informed when changes occur.
- That a review of Australian Standards be undertaken and until revised Standards are legislated, current Standards be translated into 'plain English'. This is to clarify current Standards (P56) & minimize litigation around implementing Standards (P134).
- That the VTD amend current Transport Standards used to modify Wheelchair Accessible Taxis to accommodate realistic 'Foot-print' dimensions and that the VTD ensure any alterations required to Wheelchair accessible taxis are carried out by appropriately qualified persons.
- That the VTD prescribe and enforce a requirement that a stated percentage of taxi's be wheelchair accessible. This percentage be informed by established need for access and be adjusted as additional needs are identified.
- That corrective action be taken to ensure consistency of air travel criteria for those passengers that have disabilities and that these people are not subsequently/consequently disadvantaged vis a vis non-disabled passengers as a result.
- That taxi & train operators/providers ensure training to safely /respectfully provide a service to disabled passengers be conducted by people qualified in disability issues, and that staff who fail to follow correct procedure are cautioned, instructed and supported to comply.
- That the MAV actively ensure Local Councils support Transport Standard building priorities where the implementation of compliance standard milestones involve Council responsibilities.

We look forward to the publication of the final report and trust that the recommendations and comment that we provide inform your process and the content of the report. We thank you for the opportunity for input and comment with respect to the draft report.

Yours Sincerely,

Peter Hudson, Executive Manager, Community Support Services