

**Department of Infrastructure, Victoria
Public Transport Division - Comments**

**draft Report to the Commonwealth Minister for Transport (in consultation with
the Attorney General) on the Review of the Disability Standards for Accessible
Public Transport**

Allens Consulting Group, January 2008

EXECUTIVE SUMMARY:

RECOMMENDATIONS:

Allen's draft Report is broad and high level and comprehensively addresses the breadth of the DSAPT and the submissions made by stakeholders. It recommends referring the technical amendments of the DSAPT to a further process, including school bus services and community transport under the DSAPT, conferring additional powers on HREOC, and changing various administrative arrangements. The nine Recommendations in summary are to:

- 1) Establish a technical expert group within the Accessible Public Transport National Jurisdictional Committee (APTJC) to address technical amendments and Human Rights and Equal Opportunity Commission (HREOC) Exemptions ;
- 2) Remove the exclusion of dedicated school bus services;
- 3) Remove the exclusion of community transport bus services;
- 4) Establish modal sub committees under APTJC to develop modal guidelines;
- 5) Develop a national labelling scheme for mobility aids;
- 6) Provide HREOC with powers to refer cases of breaches of the DSAPT directly to the federal court;
- 7) APTJC to develop a mandatory reporting framework
- 8) Australian Bureau of Statistics (ABS) to include a question on public transport patronage in surveys of people with a disability
- 9) Establish a new consultative framework and additional responsibilities for the Accessible Public transport national Advisory Committee (APTAC) and APTJC.

Recommendation 1) is supported although the proposal to refer amendment of the detail of the DDA DSAPT to a further technical review process will prolong resolution of the many deficiencies for all parties.

Recommendations 4), 5), 7), 8) and 9) are generally changes to administrative arrangements in the implementation of the DDA DSAPT and would be supported. There are considerable resource implications for the federal Government and State and Territory public transport jurisdictions which should be developed in further detail. The task of implementing the DDA DSAPT requirements is expanding, led by small expert units within each public transport jurisdiction and impacting on almost all facets of public transport service provision.

Recommendation 2) to remove the exclusion of dedicated school services would have significant cost implications in Victoria on the school bus fleet of 1540 vehicles and would be opposed. Since 2000 no more than 10 students at any one time have required accessible public transport, of the 71,000 students using the school bus system daily. Some buses are already accessible and those also doing route services are required to be made accessible eventually under the DSAPT.

Recommendation 3) is not substantiated in the report with costs or benefits and would be opposed, requiring significant policy and legislative work to implement in Victoria. The sector is financially fragile relying on significant volunteer effort and it is largely directed to meet the needs of people with physical or geographic accessibility issues.

Recommendation 6) would require further clarification of proposed legal detail for evaluation. The determination of a breach of the DSAPT may be difficult to establish and there is almost no legal precedent established in the federal court under the DDA DSAPT for guidance on any matter.

The draft Report has focused on the immediate requirements of the 2007 milestone rather than longer term issues and subsequent milestones or the compliance issues on the tram network unique to Victoria.

INTRODUCTION:

Consultation

In developing these comments the PTD has consulted with PTAC members and all public transport operators, and met with the Accessible Public Transport National Jurisdictional Committee (APTJNC) members and Allens Consultants. It has also consulted with other state agencies involved in providing public transport services in Victoria. Good working relationships have developed between all parties through consultation with PTAC and with peak disability groups and operators.

DDA DSAPT 2002

The DDA DSAPT is recognised as a great initiative to provide the opportunity to increase awareness and improve access and transport standards for people with disabilities. They provide an important step in making Australian society more accessible for people with disabilities by raising awareness of their precise needs in transport. Further impetus is provided through HREOC's role and support in clarifying issues, determining Exemptions and conciliating Complaints. The progress made in implementation of the DDA DSAPT requirements over the first five years since 2002 has highlighted a number of opportunities for improvement.

Background

The DSAPT require the (Commonwealth) Minister for Transport, in consultation with the Attorney-General, to review their efficiency and effectiveness in removing discrimination within five years of their taking effect, with subsequent reviews every five years. Accordingly the Department of Transport and Regional Services appointed Allens Consulting Group in January 2007 to conduct the Review. Following extensive national consultation and evaluation of stakeholder submissions Allen's draft Report to the federal Minister for Transport was released in January 2008 for comment from stakeholders by 31 March 2008.

The Public Transport Division DOI Victoria made a submission to the Review in August 2007, based on wide consultation with stakeholders and PTAC. It highlighted difficulties achieving compliance for the tram system and the progressively increasing degree of difficulty and cost in meeting the later milestones. It also identified many practical and conflicting issues with the DSAPT as written, and identified the need to make technical amendments immediately to resolves these issues for the longer term.

The *Disability Discrimination Act (DDA) 1992* seeks to eliminate discrimination as far as possible against people with disabilities in providing services such as public transport. The *Disability Standards for Accessible Public Transport (DSAPT) 2002* set out technical requirements and milestones to be met to achieve this in providing train, tram, bus, taxi, and ferry and aviation services.

Schedule 1 sets out milestones for implementation, with broadly 25% compliance required by 2007, 55% by 2012, 90% by 2017 and full compliance by 2022. Some Parts require full compliance by 2007 or 2012, and trains and trams have until 2032 to achieve full compliance. The 'Transport Standards' apply to all new works and services introduced after 2002 and existing conveyances, premises and infrastructure must be retrofitted or replaced in accordance with the milestones.

First Five Year Review of the DDA DSAPT

The Five Year Review of the DDA DSAPT has been eagerly awaited and in Victoria participation at all levels has been keenly sought. The scope of the Review is complex, comprehensive and diverse, involving human rights legislation, legal and Government administrative process, technical design, innovation and standards, public transport service operation, communications, safety, and individual passenger requirements. There are many dimensions which warrant review and possibly amendment.

The draft Review Report is broad and high level and comprehensively addresses the breadth of the DDA DSAPT and the submissions made by stakeholders. The opportunity to comment on it is welcomed in anticipation of finalisation of the Review by the new Commonwealth Minister for Transport and the Attorney General. Already significant obligations are apparent for the new Department of Infrastructure, Transport, Regional Development and Local Government and (DOITRDALG). The task ahead for all parties to continue implementation of the DSAPT will benefit from clearer definition of the technical requirements and delineation of the Commonwealth's role in administering the legislation. Effective working relationships developed at all levels with the representatives of the disability community will continue to play a significant role in developing optimum solutions and improving outcomes.

APTJC and APTNAC

The achievements to date of the APTJC and APTNAC have been considerable. Various Chairpersons, secretariat staff and representatives of state and territory jurisdictions, peak disability groups and industry bodies have been appointed over a ten year period and made valuable contributions. The significant work still required will benefit from greater support and frequency of exchange between all the parties, both in the definition of standards and in their implementation.

Progress in Victoria

Victoria has made good progress in improving access to public transport for people with disabilities and implementing the requirements of the DSAPT as identified in the *Accessible Public Transport in Victoria, Action Plan 2006 – 2012*.

Victoria exceeded or met most requirements of the first milestone on 31 December 2007 for trains, stations, buses, and bus stops, with several funded programs underway funded to meet shortfalls. Bus stops upgrades will meet the 25% compliance during 2008. Accessibility milestones for trams remain the issue of most concern to Victoria, the only state with a substantial tram network. Good progress is being made but the number of low floor trams will remain at 21% until more new low floor trams are purchased, and a major program of construction of platform tram stops has lifted compliance to about 14% with several funded programs in place to increase it further. WAT taxi response times are under national debate in the context of the TCQ and TCWA Exemption Application as the prescribed standards are problematic to define or measure.

Progress is enhanced in Victoria by strong Government support. DOI PTD will continue to participate in the review with enthusiasm and vigour, referring the necessary detail to the anticipated Technical Review Process. It recognises the need to finalise the Review quickly in the lead up to the next milestones. The key issues identified in the Review become even more significant to achieving the requirements of the next 55% and 90% compliance milestones.

Progress is further supported by wider recognition that access improvements on public transport for people with disabilities also provide wider benefits to all passengers and operators, including faster safer services.

CONTEXT FOR CHANGE:

Patronage Growth

Recent unprecedented patronage growth in Victoria has become a major new issue for public transport service provision, and has forced the state to rethink the timing of the replacement of some older conveyances. Victoria has advanced the procurement of new metropolitan and regional trains and has arranged for the short term rental of five high capacity low floor trams. However these actions have not been sufficient to meet patronage increases as high as 30 % in 12 months on regional train services. Consequently older trams and trains earmarked for retirement have been retained. More heavily crowded peak services introduces further complexity in providing access for people with disabilities, particularly providing space for people using wheelchairs on already heavily crowded trains.

Metropolitan and Regional Services

The Review states that the accessibility of public transport services is always lower in regional than metro areas but this is not always the case. For example in the City of Ballarat all bus services are provided by low floor accessible buses with ramps, and good progress on upgrading stops is being made with state funding and implementation by the local Council. Further WAT taxis as a percentage of the fleet in Victoria is higher in country (16%) and regional (13%) areas than the metropolitan (6.5%) area.

Technological Innovation in Public Transport

Time and technological advances are identifying new access solutions particularly in providing information and timetables which can be more widely provided through accessible formats via PC's, mobile phones, sms and PIDS.

Victoria will be relying to some extent on new technologies to improve access to tram services, particularly in the development of on-board automatic lifts on trams in the lead up to the 55% and 90% milestones.

New Standards

There are a number of areas where the DDA DSAPT as written are not clear about what is required and therefore it is difficult to achieve compliance. New standards need to be identified in areas such as the requirements for WAT Taxi Response Times, Lighting, Hearing Augmentation, Signage and Information. WAT Response times continue to be controversial. They are also subject to national debate through the TCQ and TCWA Exemption Application before HREOC with calls for rewriting of achievable and measurable service standards and benchmarks.

VICTORIAN RESPONSE TO THE REPORT CONCLUSIONS AND ASSESSMENT OF OPTIONS:

The structure of six key problem areas works satisfactorily to identify the range of issues to be resolved. Detailed comments are provided in the following sections on each problem area and the options proposed for their resolution. These comments are summarised below:

SUMMARY

ISSUE	OPTIONS	PREFERRED VICTORIAN OPTION	COMMENTS
1. Incorrect or inappropriate prescription	1A Amend 1B Amend + AS text	Option 1C: (new)	A third Option 1C is proposed to develop a plain English version of the DDA DSAPT with minimal reference to Australian Standards for technical detail such as TGSi layouts.
2. Uncertainty	2A Modal Guidelines 2B Advisory body 2C Certification	All (subject to cost and details)	Agencies have developed methodologies to manage this uncertainty but more open and transparent processes nationally would contribute greater value to the agenda.
3. Gaps in information	3A APTJC + sub committee 3B Outsource 3C APTJC + new body	All (subject to cost and details)	Progress on this problem (wider than defined) should be progressed by several initiatives at the same time as a matter of priority.
4. Reliance on individual complaints	4A status quo 4B HREOC powers 4C Broaden 'individual' 4C	Option A: maintain status quo	Complaints processes may warrant further consideration. More detail required to evaluate.
5. Inappropriate exclusions	5A Status quo 5B School bus 5C Community transport 5D (both B + C)	5A	These issues warrant further development.
6. Lack of standard compliance reporting framework and data on patronage	6A Status quo 6B HREOC reports 6C APTJC/ SCOT/ATC approved system 6D ABS data 6E C + D	Option 6C: only option on data. Option 6D ABS data Therefore 6E	The data belongs to the state jurisdictions and operators and its release is subject to various legal requirements, delegations and approvals. More ABS data would be useful.

DETAILED COMMENTS:

Extracts from the draft Report are highlighted in green and italics.

KEY ISSUES

Chapter 12

Conclusions and assessment of options

Six key problems are identified and a number of options proposed for their resolution. A Technical Review Process is required to proceed immediately to resolve a number of deficiencies with the DSAPT as written.

1. Incorrect or inappropriate prescription in the Transport Standards

Option 1A: Making technical amendments to the Transport Standards (with a technical experts group reporting to APTJC)

Option 1B: Make technical amendments as well as revise the Transport Standards to include text of Australian Standards.

The comparative assessment of the options is subjective but the numerous and long identified necessary technical amendments to the Transport Standards should be made as a priority.

Option 1A should proceed as soon as possible. The scope of amendments to be made should be confirmed through this new process as it has not been fully addressed in this Review process by stakeholders or the consultants. Consideration should include the Review Report, particularly Table 12.1 and Appendix D, and also current and pending HREOC Exemptions, stakeholder submissions, and issues previously identified by APTNAC/JC.

In Victoria there are a number of inadequacies with the DSAPT as they apply to trams and tram stops. The roll out of new trams in relation to the milestones, particularly those for 2012 and 1017, should also be considered.

Option 1B should proceed on agreement to the substance of Option 1A.

It should be noted that the document which results from including all the AS referenced text with the DSAPT is large and still not particularly user unfriendly. DOI PTD has developed a number of such modal documents including the full referenced Australian Standards texts. Copies of the modal Guidelines developed to date are attached with this submission. They illustrate the nature of the document resulting when the DDA DSAPT AS references are set out in full for:

- Bus stops
- Bus and coach
- Trams
- Tram stops
- Trains (still in finalisation)
- Train stations - part of a broader standard.

A third Option 1C: A Plain English version of the DDA DSAPT is warranted to develop a brief readable document which includes all the access requirements. A plain English version of the requirements based on providing the same substance and same level of access currently prescribed in the DSAPT but described in a single document with as little referencing to Australian Standards as possible would assist all parties understand their obligations under the DSAPT. Copyright would not be relevant where a performance requirement was specified

directly, such as for a ramp to be graded at 1 in 14 with landings every 9 metres and handrails to both sides.

All the above processes should involve high levels of consultation nationally and be driven by the federal Department responsible for the administration of the legislation.

2. Uncertainty around implementation and compliance

Option 2A: Development of mode specific guidelines under the Transport Standards.

Option 2B: Advisory body on implementation

Option 2C: Certification of compliance for planned conveyances or infrastructure.

All options could be supported in principle although the report does not provide sufficient detail to be definitive about a preferred option. It would appear that costs would increase from A to C. There is an overlap with the work required under Options 1A and 1B above to develop plain English standards in modal format.

Option 2B to establish an Advisory Body on implementation established and funded as a service within the federal DOITRDALG would support the administration of the legislation.

Option 2C Certification of compliance for planned conveyances or infrastructure could be established at the federal level under the BCA, subject to further regulatory evaluation, to support the administration of the legislation.

The final determination of the best option would require further development of the detail underpinning each option.

3. Gaps in information for providers in operating accessible public transport

Option 3A: a sub-committee of APTJC to progress:

- the development a national labelling scheme for mobility aids based on the specifications in Transport Standards;*
- coordinate the collection of best practice applications; and advise HREOC on transport issues in relation to assistance animals under the DDA (led by HREOC).*

Option 3B: the role of administering the new schemes would be outsourced to a research body, or other public organisation, who would also be tasked with maintaining a clearinghouse of best practice examples.

Option 3C: a new body reporting to APTJC and APTNAC to manage all information and operations processes around the Transport Standards, including those functions in Option 3B and other information functions as they arise.

This section includes a mix of issues. Some specific gaps in the DSAPT have been identified and should be rectified within the further technical review process identified in issue 1 above. Examples include lighting requirements, provision for flange gaps at pedestrian rail level crossings, signage read closer than 2.0m, visual information as hearing augmentation, and advanced technology such as smart card ticketing systems.

In Victoria the applicability of many of the DSAPT requirements to the tram system warrants further review. The milestones for conveyances, particularly those for 2012 and 2017, are not compatible with funding and industry requirements for the acquisition and roll out of new trams. The requirements for tram stops are also problematic and should be more aligned with bus stop requirements.

The draft report identifies labelling mobility aids and accreditation of assistance animals as critical gaps yet both are being managed at the local level. Legislative change to the DSAPT may not achieve the required outcome.

All options proposed are worthy tasks for assignment to the national jurisdictional sub committee with adequate resources to undertake the work. State and territory legislation, regulation and jurisdictions may vary slightly but the objective of national consistency should be paramount in seeking to deliver these two programs at a national level.

APTAC and APTJC have provided an excellent network for sharing information in relation to best practice and the benefits, are appreciated by the jurisdictions, although this may be the perception amongst the active participants more than is publicly recognised. It is emphasised that federal funding support should provide for the administration of the legislation while the state and territory jurisdictions fund the requirements for public transport.

4. Reliance on individual complaints process to ensure compliance

The draft Report concludes that the current arrangements are satisfactory but require broadening. The Options proposed include:

Option 4A: Maintain current approach, while addressing problems of uncertainty and information gaps through other mechanisms.

Option 4B: Provide HREOC with powers to instigate cases in Federal Court where it identifies broader or systematic non-compliance.

Option 4C: Amend the Transport Standards to remove the requirement that only an individual that is an 'aggrieved person' can lodge a complaint.

Option 4A is the preferred approach. Steady progress is being made with all parties achieving improved understanding of the scope of the DDA DSAPT .

Further change now should be fully evaluated before being adopted as the DSAPT requirements are already complex. Costs for providers and operators would increase under Option 4B. It requires further development of the significant legal, administrative and natural justice issues and more legal detail to evaluate satisfactorily but is not supported at this stage. Determination of a breach of the DSAPT may be difficult to establish and there is almost no legal precedent established in the federal court under the DDA DSAPT on any matter.

5. Inappropriate exclusions within the Transport Standards

Option 5A: Continue the current exclusions from the Transport Standards for dedicated school bus services and community transport services.

This option would involve the continuation of the exclusions based on the high cost involved in making school and community buses compliant. School bus and community transport operators will not incur the cost of compliance and there would be no improvement to the current level of accessibility for people with disability.

Option 5B: Remove the exclusions from certain physical access provisions for dedicated school buses from the Transport Standards.

This option would involve new requirements for dedicated school bus services as part of the Transport Standards. These requirements would be included in the compliance timetable, however, a delayed timetable would be created to address the high cost and delayed commencement of compliance.

Option 5C: Change the definition of community transport services within the Transport Standards.

This option would involve a change in the definition of community transport services to reflect that only those community transport services that are not provided for older people or people with disability as a 'target group' are excluded from the Transport Standards.

Option 5D: Option 5B and Option 5C.

This final option involves making changes (5B and 5C) to exclusions for both community transport and dedicated school buses.

Option 5A is preferred as the report does not provide sufficient basis to change the exclusions of school bus services and community transport from the DSAPT. More detailed comment is provided later in this report under Recommendations 2 and 3.

6. Lack of standard compliance reporting framework and data on patronage

Five options are proposed:

Option 6A: Continue the current method of ad hoc compliance reporting.

Option 6B: HREOC to assume the role of coordinating and approving a standard compliance reporting framework.

Option 6C: APTJC be tasked with developing a mandatory compliance reporting framework by end 2008 for sign-off by Ministers (through APTG and SCOT).

Option 6D: The inclusion of a question on patronage within Australian Government statistics collection

Option 6E: Option 6C and Option 6D.

Option 6C represents the only acceptable option in respect to reporting as release of data is subject to approval from the State and Territory transport jurisdictions, providers and operators and Ministers who own the data.

Option D is supported. Some patronage data is already collected by the ABS and the Department of Infrastructure, Victoria is currently reviewing ABS data to identify opportunities for more useable data collection on passenger travel behaviours by people with disabilities.

Draft RECOMMENDATIONS

Chapter 13

Draft recommendations

The following draft recommendations are provided in this draft report for comment by stakeholders.

Revisions to the Transport Standards and Guidelines

Draft Recommendation 1

APTJC establish a technical expert group to:

- *review technical amendments proposed by this review;*
- *consider current exemptions as amendments to the Transport Standards when they expire; and*
- *consider the feasibility of incorporating safety requirements into the Transport Standards.*

This group could subsequently be used to review technical issues as they arise, thus reducing the burden on the temporary exemptions process.

These activities are necessary as a matter of priority as administrative components of the legislation, and should be driven by the federal agency responsible for implementation of the legislation.

APTJC comprises the multidiscipline representatives of the State and Territory public transport jurisdictions including technical specialists in this field, and are already fully committed implementing the requirements of the DSAPT in public transport services in their jurisdictions. The tasks proposed are substantial and time consuming, requiring high levels of detailed technical knowledge and sound judgement in determining the balance of access, cost, technical feasibility, and operational factors. These tasks would require oversight by APTJC as the Steering Committee and adequate funding of such a technical group engaged with the capacity to progress the day to day work. The outstanding issues to be determined tend to be the more problematic ones. Clear budget and reporting should be determined.

The process of Exemptions is a federal one administered by HREOC under administrative legislation. The referral of Exemption Applications to APTNJC is legislated so the work could be supported by the same arrangement.

Safety in public transport in Victoria is the responsibility of various agencies in addition to the PTD DOI, including the independent Safety Regulator, VicRoads, and various other sections of the DOI PTD. Incorporation of safety requirements into the DSAPT would be problematic, a substantial undertaking, and involve levels of expertise not currently represented on either APTNAC or APTJC.

Draft Recommendation 2

'The exclusions for dedicated school buses be removed, and school bus services be included in the Transport Standards on a delayed compliance timeline.'

This recommendation is not supported by the substance or evidence of the draft Report. To remove the exclusion of dedicated school services would have significant cost implications in Victoria on the school bus fleet of 1540 vehicles and would be opposed. Current arrangements are working satisfactorily for the provision of school bus services. Further detail is provided in Attachment 1. The school bus system is not exempt from the DDA itself and where accessible school bus services are not available local arrangements are made for students in consultation with their parents and the school. Since 2000 nine accessible buses have been provided in such circumstances (0.5% of the fleet) and 6 students have been provided with taxi transport (currently 2 students). Since 2000 no more than 10 students at any one time have required accessible public transport representing 0.01% of the 71,000 students using the school bus system daily. Further the current trend in regional Victoria and elsewhere is for dedicated school buses to be deployed on route services in the down time thus falling into the general pool of buses which must be made compliant in accordance with the milestones by 2022. Advice from HREOC confirms this practice. Many of the school buses are already low floor and accessible. Generally PTAC Members supported this position although there are individuals who favour a universal access approach.

Draft Recommendation 3

'Amend the exclusion for community bus services to include in the Transport Standards those community services whose purpose is to service people with disability or older people.'

This recommendation is not supported for a number of reasons. The Report does not substantiate its proposal with identified costs or benefits. Community transport is established where there is no other form of transport and many services may be temporary or pilots which do not develop into regular services or follow regular routes. Where community transport is established for special needs passengers accessible community transport is provided. The sector is financially fragile relying on significant volunteer effort. In some cases the issue is more about the size of the bus and the cost of making a small bus accessible relative to the cost of the bus, and direct assistance is provided. There is no legislative or administrative framework to

include community transport under the application of the DSAPT. Unrelated to the difficulties associated with this recommendation, the Department of Infrastructure is currently conducting a Transport Legislation Review (TLR), which has identified a need to consider the current policy, regulatory and legislative arrangements for community transport in Victoria.

Generally PTAC Members supported this approach.

New information processes

Draft Recommendation 4

Modal sub-committees be appointed by APTJC to develop Guidelines under the Transport Standards by mode of public transport. These Guidelines be developed in consultation with APTNAC.

This recommendation is supported as Victoria has already developed such Guidelines (attached op cit) which are ready for rewriting in plain English. Representation on Modal Sub Committees should include both state and territory public transport jurisdictions and operators and be sufficiently resourced by the DOITRDALG to deliver effective outcomes. APTJC would monitor the balance between national consistency and state and territory jurisdictional differences.

Draft Recommendation 5

An APTJC sub-committee to develop a national scheme for labelling mobility aids based on the specifications in the Transport Standards...

This recommendation is supported as a nationally consistent initiative.

...and establish a clearinghouse of best practice examples of accessible public transport. APTJC agree individual jurisdictions to take lead in maintaining these schemes.

This recommendation is supported although most public transport initiatives are open and public for all to see, with supplementary information available on jurisdictional and operator web sites and from information call centre such as operated by Metlink in Victoria and local tourist information centres.

New HREOC powers

Draft Recommendation 6

HREOC to be provided with powers to refer cases of breaches of the Transport Standards directly to the Federal Court.

This recommendation is problematic and requires further clarification of proposed legal detail to evaluate. Determination of a breach of the DSAPT may be difficult to establish and there is almost no legal precedent established in the federal court under the DDA DSAPT on any matter. It may compromise natural justice procedures for providers and operators. The HREOC conciliation process usually involves considerable information exchange to establish the facts of the matter which may cast the allegation of a breach of the DSAPT differently, even to the point that it is not warranted.

Reporting and data collection

Draft Recommendation 7

APTJC develop a mandatory reporting framework for Commonwealth, State and Territory governments and implement the framework by end 2008.

This recommendation is supported however it should be highlighted that APTNJC developed the current excel based compliance audit reporting methodology and reached agreement at officer level with all jurisdictions except one. However as approval processes for the release of data progressed through the different jurisdictions the outcomes became more variable. Data is also variable in availability, currency and accuracy. Victoria has adopted the agreed methodology with all its operators and released full compliance data against all milestones to 2032 for all modes of train, tram bus and taxi and for conveyances, premises and infrastructure.

State and Territory jurisdictions submitted early data on the accessibility of public transport services to SCOT /ATC in 2001 and 2002. The lack of data generally and its incomparability at the time demonstrated the need to develop a methodology for consistent assessment of compliance between modes and across jurisdictions. There has been the significant improvement in the quality of data and reporting on accessibility and compliance with the DSAPT requirements in the period since the passing of the DSAPT in 2002. The general phrase 'Is it accessible?' is no longer the generic test, and there is much greater awareness of the access requirements for people with different disabilities.

Release of data is subject to various approvals from the State and Territory transport jurisdictions, providers and operators and Ministers.

The DSAPT does not currently require either the collection or release of compliance data and legislative amendment would be necessary to require it.

A further issue raised in the Victorian Submission and not raised in the draft Report is that of compliance reporting reflecting patronage levels. Reporting on the basis of numbers of conveyances and stations, stops and assets does not reflect that upgrades may have been targeted at high patronage locations where greater numbers of passengers benefit. Such reporting would demonstrate higher levels of compliance and greater benefit to more passengers than is apparent when reporting is only on the asset numbers. In addition meeting the requirements of the later milestones will become more difficult and costly, and it will become more challenging to justify public expenditure as the cost increases but relative benefits and numbers of passengers impacted starts to diminish.

Draft Recommendation 8

The Australian Bureau of Statistics to include a question on public transport patronage in surveys of people with disability.

Some data is already collected by the ABS on the travel patterns of people with disabilities. Initiatives are underway in Victoria to obtain more meaningful data from any future census.

New consultative framework

Draft Recommendation 9

APTAC and APTJC agree a new consultative framework with additional responsibilities for both committees.

The assessment and conclusions from chapter 12 of this report include a number of suggested changes to the administrative processes around the Transport Standards, to address major gaps in the current approach. For these new processes to work effectively, a new consultative framework around the Transport Standards needs to

be implemented.

This framework should include:

- increased meeting frequency for both committee, to a minimum of four meetings per year, to account for the increase in activities;
- APTJC to coordinate modal sub-committees, a technical expert group and sub-committee on labelling for mobility aids;
- APTJC to report on progress of these initiatives to APTNAC, and seek advice from APTNAC on implementing these recommendations;
- An APTJC reporting sub-committee with the task of developing a new reporting framework by the end of 2008.

These recommendations are supported. Full administrative support and resources for technical assistance from the DOITRDALG would be anticipated.

Chapter 14

Questions for stakeholders responding to this draft report

The review team welcomes any comments on this draft report. There are, however, particular areas where there remain gaps in the evidence on which to base the analysis of the Transport Standards, particularly in relation to the proposed options discussed in chapter 13. The following questions highlight the key areas where the review is seeking comments, preferably with supporting evidence.

1. Do you consider that this draft report has addressed the key issues of importance to the review? If not, what other issues do you consider are important to this review?

This review has identified six key problems to be addressed to improve the effectiveness and efficiency of the Transport Standards.

It is noted that the draft report has not addressed the following recommendations from the Victorian Submission:

'...Recommendations

5. That a hierarchy of appropriate access treatments be differentiated for application across situations ranging from mass transport to remote and low patronage locations and individual door-to-door services.
6. That the unique access issues related to the Melbourne tram network be recognised under the DSAPT, particularly due to the operation of vehicles in the centre of the roadway in mixed traffic rather than in the dedicated reserves of heavy rail trains.
7. That the requirements for the longer term milestones be reviewed now, recognizing the relationship to patronage levels, and that as early milestones are met, the later ones become more difficult, disruptive and expensive to achieve for potentially significantly lower benefit. Refer Note A below.
8. That the timeframes for compliance be reviewed in relation to trams to provide a more even roll-out for the replacement of conveyances through the middle

milestones of 55% by 2012 and 90% by 2017 across the thirty years to 2032. The end result would be the same yet would reflect government funding cycles under value for money principles. A process separate from this Review may be required to include consultation with people with disabilities to balance policy, operations, funding and user requirements. Refer Note A below.

9. recommendation addressed.
10. That responsibility for DDA compliance within complex jurisdictions be clarified across all levels of government and industry. Refer Note B below
11. That interim arrangements for complaints following the passing of the 31 December 2007 milestone be considered pending the outcomes from this Review.....'

Note A

The draft Report does not address the problems associated with the later milestones, as outlined in the Victorian Submission, viz:

'There is a significant mis-match between the milestones for trains and trams (30 years) and related infrastructure (20 years) which may prove unworkable, particularly for tram services. The milestones require a heavily weighted replacement rate for trains and trams, by providing 15 years to replace 90% of vehicles and another 15 years to replace the last 10% of vehicles. This does not fit comfortably with vehicle replacement programs or cycles. While this is not a significant issue for trains in Victoria (which are already virtually fully compliant), in the case of trams, older rolling stock cannot be retro-fitted. A more even roll out of replacement vehicles across the 30 years could be considered, whilst achieving the same final result of full compliance by 2032. This could also achieve better integrated outcomes between vehicles and infrastructure, towards the later milestones, provided that it is progressed in consultation with people with disabilities.

The Victorian Government has consistently stated that it believes the best way to achieve compliance in the tram network is a combination of construction of platform stops and the replacement of older high floor trams with new low floor trams equipped with wheelchair lifts. The age profile of the existing tram fleet in Melbourne means that although the final milestone is acceptable, the intermediate milestones are not linked with a serious replacement programme. People with disabilities and their advocates have clearly articulated to Government that they do not support extended timeframes for compliance.'

This issue should be addressed within this Review due to the long lead times necessary to procure new public transport conveyances.

Note B

Responsibility for DDA DSAPT Compliance

The responsibility for DDA compliance as between states, local councils, operators and other stakeholders is not adequately dealt with by the DSAPT. This varies across Australia, yet agreement of all stakeholders is a major factor in the capacity of the party responsible under the DSAPT to implement the requirements. Victoria has undertaken considerable work to identify responsibility for DDA compliance in the context of the new state Road Management Act and Codes of Practice impacting on road authorities and service providers. Coordination of the components required for continuous accessible travel becomes complex when several major agencies must be involved. The role of local government is also significant in supporting 'whole of trip' accessibility. Jurisdictional issues are similarly complex in relation to aviation, and ferry services providing public transport.

This has not been followed up by a recommendation in the draft Report and should be added to the APTJC and APTNAC Work Plan due to its multi disciplinary representation and specialist knowledge of the DSAPT application.

Other issues of importance to this review include:

- a. Revised cost/time/full compliance comparisons over the remaining longer term;
- b. Public transport industry contexts of costs, lead times and procurement processes;
- c. Evaluation of conflicting legislation such as OH&S, vehicle standards and regulation;
- d. Analysis of the alignment between access and safety standards;
- e. Impacts of operational differences on national consistency, recognition and reciprocity.

2. Are there options to address these problems that the review has not considered? If so, please provide details on these options and your assessment of their costs and benefits (including supporting evidence)

This review has used a qualitative assessment technique to assess options under each identified problem.

Other options to address these problems not considered would include:

- a. Full cost benefit analysis of options;
- b. Detailed development of proposals for evaluation eg certification of compliance under the BCA, legislative detail of proposed new HREOC powers, a national mobility aid labelling scheme;
- c. Analysis and review of federal state and territory cost sharing arrangements especially support for increased APTJC role and responsibilities;
- d. Commonwealth funding options for public transport.

3. Do you have evidence to either support or refute the assessment of options in chapter 13 of this report? Evidence may include information on the relative magnitude of impacts between options.

Refer detailed comments above.

4. Do you consider that implementing the draft recommendations will involve costs to government or non-government organisations? If so, please provide any estimates of these costs.

Yes, to be determined.

5. Do you consider that the criteria used in the qualitative assessment of options are appropriate? Do you have suggested changes to these criteria?

In support of the new activities and recommendations, this review has suggested a new

consultative framework with expanded roles for both APTNAC and APTJC.

The rankings in the qualitative assessments warrant review in consultation with APTJC.

Quantitative assessment would also be valuable.

6. Do you consider that the proposed framework is the best approach to implementing the recommendations from this review? If not, how could it be improved?

The proposed framework reflects a reinforced version of the status quo, which has made significant progress in this agenda over several years. Its continued effectiveness in a strengthened framework is as ever largely subject to the resources and time the key parties have available to contribute further.

Attachment 1

DDA DSAPT Standards – School Bus Services in Victoria

The school bus system is exempt from the DDA Standards. This means we are not required to meet benchmarks for the phased introduction of accessible vehicles across the fleet, or to upgrade school bus stops to DDA compliant standards.

However the school bus system is not exempt from the DDA itself and where an accessibility issue arises the Department takes the necessary action to comply with DDA requirements and provide suitable access to the school bus service, on a case-by-case basis.

In a case where a student is unable to use the existing school bus service due to disability, PTD officers consult with parents and schools to identify and implement the most appropriate strategy to enable use of the service in accordance with DDA requirements. Strategies include vehicle upgrades to new accessible school vehicles (usually wheelchair hoist -equipped) and provision of accessible taxi services where that is the preferable solution. Roadside modifications to ensure a flat stable bus stop area for hoist operation are provided as required.

Service Provision - Vehicles

Since 2000, nine accessible buses have been provided at various locations in rural Victoria, in response to individual cases. This represents just 0.5 % of the total fleet of 1540 vehicles. It is worth noting that in several cases the student for whom the accessible vehicle was provided no longer uses the service.

In the same period about 6 students have been provided with taxi transport to their schools. Just two students currently receive taxi transport.

Since 2000 the number of students requiring accessible school transport has been fewer than ten at any one time, representing approximately 0.01% of the 71000 students who use the school bus system daily.

Bus Stops

The number of school bus stops in rural Victoria is estimated at about 30,000. Most of these stops are merely roadside sites with no infrastructure – they are a stopping site rather than a formal bus stop, and in many cases their use is intermittent from year to year.

Costs

A wheel-chair hoist adds over \$30,000 to the cost of a standard school bus. The cost of upgrading roadside bus stops to DDA compliance is unknown, but would be extremely costly, given that there is usually no current infrastructure such as kerbing, footpaths etc. in place.

Conclusion

Under these circumstances it is clearly inadvisable to incur the significant additional expenditure involved in upgrading all school contract vehicles and roadside bus stops to DDA compliant standards. Demonstrated demand for accessible school transport has been minuscule and the current case-by-case approach has and will continue to deal satisfactorily with disability access issues as they arise.