



Submission to the Review of the Disability Standards for Accessible Public Transport 2002

1. Background

The Local Government Association of NSW and the Shires Association of NSW represent all 152 general purpose councils and 14 special purpose councils.

The Associations represent the views of their members by:

- Presenting councils' views to government.
- Promoting Local Government to the community.
- Providing specialist advice and services.

Councils range in size, population, structure and in the services they provide. A council can be made up of a group of suburbs, a town or a rural area. Councils operate within the legislative framework laid down by the NSW Government. Their powers and responsibilities derive mainly from the Local Government Act 1993.

Local Government's strength the sphere of government that is closest to the community. Councils readily acknowledge that they have a key role in assisting those with disabilities through its provision of infrastructure and the diverse services it provides to its communities. Local Government in Australia provides a wide range of services and facilities including provision of infrastructure in the form of footpaths, cycleways, roads and bridges, services such as meals on wheels, child and maternal health care, as well as sport and recreation, arts and culture and a range of economic and business services. It is conscious of the needs and proactive in the delivery of facilities and services to accommodate all members of their communities irrespective of the legislative requirements.

2. Limited Provider of Public Transport

Local Government recognises the importance of public transport as a vital component of the overall transport task in all areas of the state. The provision of public transport contributes not only to the long-term sustainability of our communities, but also provides vital access to those people in remote locations or in disadvantaged groups. More generally, our Associations support measures that would make the car less attractive for many trips. Governments should be looking at ways to encourage greater use of public transport and alternative forms of transport such as cycling and walking for many trips, through improving the overall accessibility of public transport to all members of the community

Provision of public transport services should be seen as a clear responsibility for government whether it be in urban or regional areas of the state. Disadvantaged groups are particularly vulnerable to the loss of public transport as they often have no alternative transport options available.

There is no doubt that passenger transport is a key factor impacting on people's ability to access essential services and to actively participate in the community. However it is not core business for Local Government to provide these services and we would strongly resist any shift of these responsibilities, including any associated costs, across to our sphere of Government. Nonetheless councils are willing to be an advocate for public transport in their communities and to assist other levels of government to facilitate effective local and/or community transport services.

Local Government's main role in relation to public transport is to provide the infrastructure for access to services provided by state government agencies or the private sector i.e. bus stops, interchanges, parking facilities at train stations and, in the case of some regional councils, the local airport or aerodromes.

3. Size of Infrastructure Issue

The implementation of the Transport Standards is a legal obligation on all providers of public services and infrastructure. In most jurisdictions including NSW this has been undertaken and coordinated at the state level, as state governments have the primary responsibility for public transport either directly or through regulation. The role of Local Government is primarily to provide supporting infrastructure, especially for bus and taxi services and in some cases airports and aerodromes, in line with overarching state government strategies and plans such as those mentioned in section 5 below.

The Associations have limited knowledge of how our member councils individually or collectively have progressed with the implementation of the Transport Standards. There appears to be an absence of consistent data available on the extent of the infrastructure issue facing Local Government and the degree to which councils are planning, progressing or implementing the Transport Standards.

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 7200 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. The Associations would support a 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.

4. Local Government as Provider of Accessible Parking Infrastructure

Another important transport related role in relation to disabled persons is the provision of disabled parking facilities on and off street, in shopping and other community based centres and in some cases at railway stations. The provision of disabled parking improves the mobility of the aged and others with disabilities easing pressures on other accessible services and facilities. In most cases, councils have considered that accessible parking arrangements and ensuring public infrastructure and building are sensitively designed are the most important factors in improving the mobility for the disabled.

Local Government anticipates with the aging of the population that the provision and access to these facilities will become increasingly important and should be considered within the ambit of the Transport Standards. The current arrangement for provision of accessible parking facilities, such as the issuing of permits is ad hoc and greater guidance could be delivered if these specific needs were reviewed on a national basis.

5. Planning Issues

Local Government has a key role in transport and land use planning processes, particularly for new land release areas, but also in the design and provision of appropriate public transport infrastructure in town centres. We have previously indicated our support for integrated land use and planning policies. However we again add our concerns that many of the important elements of these types of policies fall outside the direct responsibility of Local Government. There is a vital role for our sector to encourage and work with the Federal and State governments to achieve positive planning outcomes that provide for genuine modal choice and transport accessibility in our communities.

In a strategic sense, councils in NSW have been guided in their overall planning processes, including transport planning, by NSW Government policies such as those within the Sydney Metropolitan Strategy and sub-regional strategies, regional strategies in rural and regional areas of the state, and overall State Plan and State Infrastructure strategies. While these strategies include extensive reference to public transport provision, services and infrastructure, there is little specific cross-referencing of these policies with the

Transport Standards, or indications as to how these higher level state government policies will contribute to the achievement of accessibility targets.

As the example in the issues paper points out there is little value in a bus being accessible if the bus stop is not. Disabled users of public transport will in many cases have to utilize several transport modes to travel to their destinations. At a minimum they will have to travel on footpaths to access a public transport facility. The Transport Standards do not recognize the need to take this whole of system approach in terms of prioritizing investment to upgrade facilities to make them accessible. Local Government is generally not in a position to do this and relies on state planning policies such as those outlined above.

Consideration should therefore be given to the development of action plans to prioritise key routes. This would assist councils to better target their limited budgets towards infrastructure priorities best able to provide real improvements to accessibility. Under the current provisions a council, or other public transport provider, could invest scarce resources to meet notional obligations of compliance without a single bus route being fully accessible.

6. Clarification of rights and obligations

Local Government considers that the administrators of the legislation should be more proactive in advising providers of the requirements and providing practical support for implementation. It appears to Local Government that the Human Rights and Equal Opportunity Commission (HREOC) has taken a legalistic approach, as exemplified by their web site which has extensive reporting of legal cases, rather than practitioner information to help providers meet their legal obligations.

The Transport Standards are a mixture of required outcomes and detailed specifications. We understand that the intention is that providers have the freedom to develop their own solutions to meet their outcomes. This flexibility of this approach however can lead to confusion and inconsistencies in the physical layout of facilities which can cause difficulties for users. Consideration should be given to development of clear standards in conjunction with Standards Australia. This would lead to a more consistent approach as well as making standards more readily accessible, especially to practitioners who are not familiar with Commonwealth legislation.

More detailed clarification is required on the meaning of various aspects of the Transport Standards, and the extent of Local Government responsibility, including the timescale/ target dates for implementation of accessible infrastructure provision. Examples of areas which have created difficulties for our member councils include:

- Definitions of various infrastructure requirements within the Transport Standards, such as surfaces and access paths, tactile ground surface indicators, street furniture etc;
- Requirements for accessible bus stops in areas without existing footpaths, kerbs or where the road gradient precludes the provision of accessible infrastructure;
- Provision of accessible infrastructure in areas where bus routes change regularly or where 'hail and ride' services are provided by operators;
- Separation of responsibilities between councils and state government at railway station interfaces, including bus/rail interchanges;
- Definitions of the overall compliance targets for infrastructure, e.g. does a 25% target refer to the overall number of bus stops, the number of bus routes, the number of bus services on those routes, the number of passengers carried on those routes, or a combination of these factors?; and
- Definitions of exceptional cases where an 'Unjustifiable Hardship' defence may apply, e.g., where a council was unable to adequately fund infrastructure upgrades according to the compliance targets, but had documented a comprehensive accessibility plan outlining an achievable infrastructure investment program within council's financial constraints.

In addition, disability groups within the Local Government sector have expressed dissatisfaction with the prescriptive targets within the Transport Standards. Notional achievements of compliance targets may not guarantee that any given service will be consistently accessible. Councils would share this view that there is little point investing in accessible infrastructure if the service provision and information is not similarly planned and co-ordinated consistently within jurisdictions.

The current system is highly reactive and is based on a complaints mechanism. While this has some merit, it also holds limitations in terms of standardizing compliance with operators or ensuring that Transport Standards are understood. Assistance is required in translating the high level legal requirements into practical plans that help councils and providers to proactively undertake the necessary infrastructure upgrading to improve accessibility in terms of the legislation.

7. Funding

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 all its existing inventory of assets. The ongoing sustainability of funding streams to support its 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 per annum, 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*)

Local Government is willing and prepared to plan for the provision of accessible infrastructure, for example within their comprehensive accessibility and/or pedestrian and mobility planning frameworks. This will allow for the inclusion of accessible infrastructure and related issues in the context of councils' overall strategic planning and asset management systems. However 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.

As well as the above funding issues, Local Government, like other parts of the economy, is experiencing a marked skills shortage and high levels of staff turn over. New employees need to be reminded of the requirements and receive training and guidance on how such requirements can be delivered in both an efficient and effective manner.

8. Cost Shifting

Local Government through its Inter Governmental Agreement (IGA) with the Federal Government on cost shifting in 2006, has reached an agreement that it 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 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.

9. Summary / Conclusion

Local Government:

- (i) Is the sphere of government closest to the community and has a strong empathy to working towards achieving inclusive and sustainable communities.
- (ii) Would support a 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.
- (iii) Is of the view that the provision and access to accessible car parking facilities will become increasingly important and should be considered within the ambit of the Transport Standards;
- (iv) Believes the Transport Standards need to be considered and progressed in conjunction with broader strategic planning and transport priorities which are generally under the control of the Commonwealth and especially the State Government;
- (v) Requires more detailed clarification on the meaning of various aspects of the Transport Standards, and the extent of Local Government responsibility, including the timescale / target dates for implementation of accessible infrastructure provision.
- (vi) 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.
- (vii) 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.