



AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

submission to

the Review of the *Disability Standards for Accessible
Public Transport 2002*

August 2007

Background

The Australian Local Government Association (ALGA) represents the interests of local government at the national level. Its membership is made up of the associations of local government in each state and territory. The ACT Government is also a member in its role as the local authority in the Australian Capital Territory. ALGA, as a representative organization and peak body for local government, has no role in the direct provision of public transport services, infrastructure or any other services directly to users.

Local government's key strength is that it is the sphere of government that is closest to the community. Local government in Australia provides a wide range of services and infrastructure including footpaths, cycleways, roads and bridges, direct services (such as meal on wheels, child and maternal health care), sport and recreation, arts and culture and a range of economic and business services.

Local government is highly conscious of the need to provide for all members of the community and has a key role in assisting those with disabilities by providing suitable infrastructure and services.

The *Disability Standards for Accessible Public Transport 2002* legislation was not accompanied with any additional resources for its implementation the requirements. A major concern to local government is the level of cost shifting onto local government by other spheres of government. To address this concern, ALGA negotiated and signed an Inter Governmental Agreement (IGA) with the Federal and state and territory governments in 2006. Under this Agreement, the other spheres of government have committed to take into account the financial implications for local government when requiring it to provide additional services or functions.

The Local government role in the provision of public transport is limited although it varies between jurisdictions and between urban/metropolitan and regional and rural areas. There are a few councils that directly provide public transport services, eg. Brisbane City and the Gold Coast Councils operate a major bus fleets. Brisbane City Council also operates a ferry fleet. Local government's main role in relation to public transport is to provide the associated infrastructure for access to services provided by state government agencies or the private sector, eg. bus stops, interchanges, parking facilities at train stations and, in the case of some regional councils, the local airport.

Another important transport-related access role for local government is the provision of disabled parking facilities at shopping and other community based centres. Local government considers that the provision of disabled parking for the aged and others with disabilities eases pressures on other disabled services and facilities. In Local Government's view disabled parking is likely to be the disability infrastructure with the highest use and is the single most important factor in improving mobility and access.

Local government anticipates with the ageing 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 disabled parking facilities and the issuing of permits is variable.

This submission examines issues using the headings in the Issues Paper from a local government perspective and concludes with several recommendations. State local government associations and individual councils are expected make separate submissions to the Review.

Achievement of public transport accessibility

The implementation of the *Disability Standards for Accessible Public Transport 2002* is a legal obligation on all providers of public services and infrastructure and has in practice been coordinated at the state level, as state governments have the primary responsibility for public transport, either directly or through regulation, eg. regulation of private bus operations and taxi licensing. The role of local government is primarily to provide supporting infrastructure for rail, bus, taxi and ferry services in line with state plans.

ALGA has no independent knowledge of how councils individually or collectively have progressed with the implementation of *Disability Standards for Accessible Public Transport 2002*. This data is collected at the state level and the level of collection and reporting of data varies between jurisdictions.

Local government would support nationally coordinated collection of data to establish an overall picture of how the implementation of these provisions is proceeding with a view to developing targeted support if required.

Clarification of rights and obligations

As state governments are the primary providers and regulators of public transport the role of local government in meeting its legal obligations is one of supporting state-wide plans. Councils generally are not in a position individually, or even collectively, to develop wide ranging plans of this nature.

Local government, like other parts of the economy, is experiencing high levels of staff turn over and 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.

Local government considers that the administrators of the legislation have to be more proactive in advising service providers of the requirements and in providing practical support for implementation. From a local government perspective, it appears that HREOC has taken a legalistic approach, as exemplified by its web site which has extensive reporting of legal cases but only limited practitioner information.

Flexibility of approach

The current standards are a mixture of required outcomes and detailed specifications. The intention is that providers have the freedom to develop their own solutions to meet the outcomes required by legislation.

The flexibility of this approach can lead to inconsistencies in the physical layout of facilities which can cause difficulties for users. Consideration should be given to development and dissemination of best practice to encourage a more consistent approach.

Consistency of Approach

As indicated in the previous section, the outcomes based approach has the potential to lead to inconsistencies. A disabled person may experience differences across modes and jurisdictions as each body takes a different approach to meeting the specified outcome.

Local government would not, however, support the adoption of a prescriptive standards approach. A prescriptive standards approach could lead to perverse outcomes, eg. removal of a bus stop that is costly and difficult to upgrade, rather than an improvement in accessibility.

Compatibility of Approach

The examples raised in the issues paper under this heading exemplify a common transport issue: the capability of a transport route is determined by its weakest link. 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 current provisions 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. Consideration should be given in the development of action plans prioritizing key routes.

Under the current provisions a council, or other public transport provider, could, for example, meet its obligations of achieving complying percentages of its facilities, without a single route being fully accessible.

Certainty of Process

The current arrangements, on a day to day basis, are reactive and depend on individuals bringing forward complaints. Reviews are limited to five yearly intervals. Consideration should be given to a more proactive approach of monitoring progress towards objectives providing it does not impose significant reporting costs.

Conclusion

Local government, as the sphere of government closest to the community, has a strong empathy with and is committed to working towards achieving inclusive and sustainable communities. It has a track record of having spent considerable resources

to provide suitable facilities for the disabled and physically restricted members of society.

The *Disability Standards for Accessible Public Transport 2002* makes additional demands on councils. No funding has been provided by the Federal Government to assist councils with the construction of new facilities or the ongoing maintenance of any existing facilities. This is not consistent with the approach now set out under the cost shifting IGA.

It appears from a local government perspective that the administration of the *Disability Standards for Accessible Public Transport 2002* has been approached from a legalistic approach with limited practitioner information or an ongoing information program to ensure that the requirements of the legislation are brought to the attention of providers on a regular basis.

As noted in the Issues Paper there is no consistent assessment of progress towards the stated goals. Local government would support the establishment of consistent reporting.

The current Transport Standards are primarily outcome measures. This inevitably leads to different approaches by jurisdictions leading to inconsistencies for users. The lack of an overall strategic plan that prioritizes key routes has meant that it is possible to meet the requirements of the legislation without any public transport routes being available to disabled users because of missing key links.

Local government's view is that a whole of city or even state approach is required to achieve the mobility objectives for the disabled. Individual councils are limited in their approach because in most cases they have a limited geographic jurisdiction. Only state governments are in the position to take the broad approach that crosses many local government jurisdictions. Local government has worked with, and will continue to work with, state governments to achieve cross jurisdictional outcomes.

Disabled parking facilities and appropriately designed ramps and footpaths, improved signage and lighting are important in providing access and mobility and will become increasingly more so with the ageing of the population. Local Government asks that the Transport Standards be extended to cover this area and that a review be undertaken on the current arrangements for issuing disabled parking permits.