



14 September 2007

Allen Consulting Group
Level 12
210 George St
Sydney NSW 2000

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

The Council of Social Service of NSW (NCOSS) is the peak body for the social and community services sector in New South Wales. NCOSS works with its members on behalf of disadvantaged people and communities towards achieving social justice in NSW.

NCOSS provides an independent voice on welfare policy issues and social and economic reforms and is the major co-ordinator for non-government social and community services in NSW.

NCOSS welcomes this opportunity to provide comment on the review of the *Disability Standards for Accessible Public Transport 2002*. NCOSS work in the transport area is largely focused on issues of ‘transport poverty’ in NSW, in particular the barriers faced by low income households in accessing employment, education, services and social and recreational activity. This submission will focus largely on bus, rail and taxi services, reflecting NCOSS’s recent areas of expertise.

1. Transport and Disadvantage

“Transport poverty,” “Transport Disadvantage,” or “Transport Stress” can be defined as involving difficulties accessing transport – either because of factors of cost, availability of services or poor physical accessibility – which leads to isolation from jobs, health and treatment, as well as social and recreational activity. The UK Social Exclusion Unit state that “problems with transport and the location of services contribute to social exclusion by preventing people from participating in work or learning, or accessing healthcare, food shopping and other local activities.”¹

Transport expenses for disadvantaged communities can be high, with transport costs typically consuming a greater proportion of expenditure for low-income households. Because of poor availability of public transport services, many low income people rely on private motor vehicle transport. This mode of transport is expensive and can disproportionately impact upon the weekly budgets of people on low incomes. Information from the Victorian Coalition for People’s Transport indicates that “car ownership costs consume 13 per cent of average incomes, but 28 per cent of the incomes of low-income earners.”²

¹ Social Exclusion Unit, “Making the Connections: Final Report on Transport and Social Exclusion,” Office of the Deputy Prime Minister, February 2003, p9.

² Victorian Coalition for People’s Transport, *The Place to be on PT: A Vision for Greater Melbourne’s Transport*, 2004, p5.

Public transport expenses can also be high for low income people who are not entitled to a concession fare. There exist a number of gaps in the provision of concession fares in NSW, including, for example, the lack of transport concession for Aboriginal people who participate in Community Development Employment Projects (CDEP). The NSW Government has failed to publicly report on the two reviews of transport concessions it has initiated over the last 7 years.

Transport expenses can also increase where poor urban transport fare integration imposes multiple flagfalls on passengers changing transit modes.

2. Cost of Disability

Many people with disability experience substantially higher costs of living in comparison to other members of the community. The higher costs of living associated with disability impact upon the ability of people with disability to purchase transport services. The 2004 Senate Community Affairs Committee Inquiry found that there were a large number of factors that led to these costs:

In addition to being excluded from earning an adequate income, people with disabilities often have higher costs of living associated with their disability. This may include the high cost of medication, the purchase of special equipment or aids, and access to appropriate housing, transport and services related to personal care or maintenance of a person's home. The combination of higher costs of living, along with low income, leads to a strong connection between disability and poverty.³

In 1998 The Physical Disability Council of Australia commissioned a report on the Cost of Disability that indicated that the likely sources of additional costs for people with physical disability included personal care costs, transport costs, equipment costs (particularly wheelchairs and scooters), medical costs including continence products, paramedical and therapy expenses and home modification and furniture costs.⁴ Costs can also change over time as a result of factors such as age and illness.

The high cost of disability, barriers to entering the workforce, and low levels of income support mean that people with disability are proportionately over-represented within low income categories:

Working age people with a disability and living in households have markedly lower incomes than those without a disability. Some 70% of those with profound core activity restrictions and 56% of those with severe restrictions have incomes in the lowest two income quintiles, compared to 31% of people with no disability.⁵

These higher costs generate significant hardship for low and middle income households. Many low income people with disability already devote a large proportion of their weekly income to meet the costs of disability. For example research by Blind Citizens Australia has demonstrated that in one case a low income individual spent approximately 26% of his annual income to meet “non-optional costs of blindness.”⁶ Because these households have a low disposable income they are in an extremely vulnerable position, particularly with respect to their ability to purchase transport services.

³ Senate Community Affairs Committee, *A Hand Up not a Hand Out: Renewing the Fight Against Poverty*. Report on Poverty and Financial Hardship. March 2004, p363.

⁴ Physical Disability Council of Australia, “Towards a Disability Allowance: Offsetting the Costs of Disability,” June 2001.

⁵ Australian Council of Social Service, “Fairness and Flexibility: Reform of Workforce Age Social Security Payments in Australia,” Submission to Australian Government, September 2003, p38.

⁶ Maryanne Diamond, “Counting the Costs of Blindness: Lessons for a Cost of Disability Allowance,” Paper presented at *Australian Social Policy Conference*, University of NSW, July 2003.

This does not mean that medium income households are immune from hardship. Because the costs of disability can be significant, these households are also at risk of hardship, particularly where cost intensive goods or services are needed.

The above costs factors should be taken into consideration in designing transport systems to meet the needs of all members of the community. Active government support, planning and subsidisation of a functioning public transport system will act to support participation for people with disability. Enhanced transport connectivity for people with disability depends on ensuring affordability in delivery of services.

3. Has the accessibility of public transport improved as a result of the standards?

The *Disability Standards* have had the effect of improved the accessibility of public transport in NSW, particularly with respect to expanded physical accessibility of services, particularly in relation to bus and rail services.

But improvements are subject the variation in NSW, across bus, rail, and taxi services.

3.1 Bus Services

There are four layers of bus service provision in NSW: metropolitan publicly operated services (operated by State Transit Authority), metropolitan privately operated services; outer metropolitan and rural and regional services; and dedicated school bus services.

3.1.1 Metropolitan Publicly Owned Services

STA services in Sydney have substantially improved the physical accessibility of their fleet, with over 40% of the current fleet wheelchair accessible. NCOSS is aware there remain problems with information for some services, and process problems in relation to implementing new initiatives (for example ensuring accessible ticket sales for users of “Pre Pay Only” buses.

3.1.2 Metropolitan Privately Operated Services

There were, prior to 2005, very significant problems with the accessibility of the private bus fleet in Sydney. Although some operators had made progress towards the purchase of low floor accessible vehicles, there were a number of routes that lacked any services with an accessible vehicle.

In 2004/05 the NSW government began a process of bus reform, which has resulted in increased responsibility by government in the acquisition of new vehicles and stronger requirements in relation to conformance with standards included in new bus contracting arrangements. This has led to acceleration in acquisition of accessible stock, although the availability of accessible services still varies depending on geographic locality. Poor access to out of hours services in many parts of Sydney also has a constraining effect on the availability of services for people with disability.

NCOSS is aware that insufficient progress has been made on information, with many consumers unable to find timetabling information on accessible routes. NCOSS understands that there are delays in making available information on timetabling and routes for accessible services as a result of the development of regional integrated transport plans in metropolitan Sydney.

3.1.3 Outer Metropolitan and Rural and Regional Services Privately Operated Services

Reform of Outer Metropolitan services has commenced in NSW, with these services negotiating a similar contracting arrangement to metropolitan services. This means, in principle, that we may see an increase the availability of accessible services. NCOSS is aware that the publicly operated services, Newcastle Buses, have met the 2007 standard.

There is a significant degree of variation in the availability of accessible services in rural and regional areas. Transport disadvantage as a result of poor availability of accessible services is often intensified by the inadequate availability of public transport services in general (accessible or not), the extremely limited frequency of services and the lack of out of hours services. This means that people with disability with no access to a private motor vehicle face severe constraints in accessing employment or services.

The NSW Government is the preliminary stages of bus reform for rural and regional areas, that may, over time, improve accessibility for people with disability in country areas.

3.1.4 School Dedicated Bus Services.

In rural and regional areas school route services are often the only form of public transport within the local area. In NSW many operators allow members of the public to access dedicated bus runs, particularly where there is spare capacity. Because many of these dedicated routes are not physically accessible, they are not available to some people with disability.

3.2 CityRail Services

CityRail services have substantially improved their physical accessibility since the inception of the *Disability Standards*, with a significant expansion of accessible infrastructure to access rail services in the metropolitan network.

Despite this success, there remains a number of gaps in the network, including at key high volume passenger stops such as Redfern and other inner city stations. Further although all rail services are accessible once customers are on the platform, at present access requires intensive assistance from station staff. RailCorp NSW have not taken steps to remove the need for this assistance in the future, through better infrastructure design.

There is also evidence that there are improvements to be made in planning for people with disability in the event of service disruption, including the availability of accessible replacement services where there is breakdown or maintenance.

3.3 Taxi Services

NSW Government regulation of Wheelchair Accessible Taxis (WATs) has historically been poor. WATs licenses are available at a lower cost than standard taxi licenses, and impose on drivers and operators additional obligations including a requirement to prioritise wheelchair bookings above other bookings. In the past there has been little regulation to ensure that existing WATs are meeting these obligations.

In 2004 the Ministry of Transport announced a Ministerial Inquiry into Wheelchair Accessible Taxis, publishing an Interim report in late 2004. Ex NSW Premier Barry Unsworth was appointed

to head the review in mid 2005. As NCOSS understands, the final report of the review is still under consideration by the Minister of Transport Services.

In general, available data on WATs response times suggests that the supply and performance of WATs to wheelchair users in NSW is below existing service levels available to other taxi users. Disparity in waiting times for passengers using the centralised booking service can be significant.⁷ Many wheelchair users now rely on private bookings with known drivers in order to secure a reliable service, but this can limit choice, responsibility and flexibility for these users.

In 2006 a new operator entered the Sydney market, leading to an increase in the number of available accessible services.

The standards do not necessarily improve the ability of people to hail an accessible vehicle, since the focus of the compliance target is response time for booked vehicles. NCOSS supports a compliance target that would increase the supply of accessible vehicles in NSW.

4. Gaps in the current standards

4.1 Affordability of services.

Public transport services, both in Australia in general and NSW specifically, have grown relatively more expensive, creating affordability issues for low income recipients.

Chart 1: Trends in Public Transport Prices in NSW from 1992/3



Source: IPART Annual Report 2005- 6, p73.

The national trend for public transport pricing over the last 15 years is for real increases in price: between 1990 and 2005, “the cost of urban transport fares has increased at 2.17 times or 117% above the inflation rate. During the same period the cost of private motoring increased at a rate of 5.78% below the underlying CPI.”⁸

The underlying national trend towards significant above CPI increases in public transport pricing corresponds to changes in public transport fares within NSW (see Chart 1). Although these price

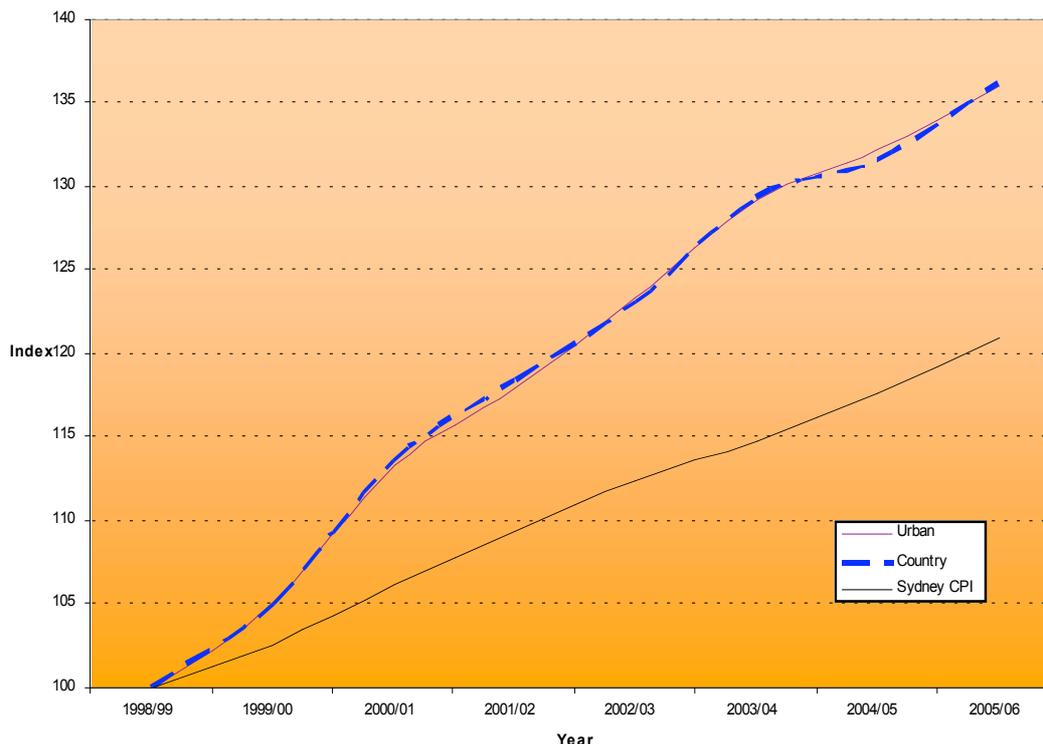
⁷ See for example Independent Pricing and Regulatory Tribunal, Review of Fares for Taxis Issues Paper, February 2004.

⁸ Gavin Dufty, *Winners and Losers: The Story of Costs*, Social Policy Issues Paper 2. St Vincent De Paul Society National Policy Council, December 2005, p7.

increases have been experienced by passengers across all modes of public transport, rail prices have increased more dramatically within NSW: the Independent Pricing and Regulatory Tribunal of NSW (IPART) acknowledge that “train passengers pay on average 19% more now than in 1992/93, while bus and ferry commuters pay on average 15% more in real terms (including GST).”

Taxi fares have also increased substantially in NSW. Both country and urban taxi fares have increased substantially above CPI between 1998/99 and 2006 (See Chart 2).⁹ Based on comparison with the movements of the Sydney CPI, taxi fares in 2006 were approximately 15% higher than they were in 1998/9.¹⁰ IPART have recently agreed to increase taxi prices by a further 6% in the 2007/08 period.

Chart 2: Urban and Country Taxi Fares against Sydney CPI 1998/9 to 2006



Diminishing affordability of public transport services will over time reduce the ability of many low income people with disability to access services. The growth in cost of taxi services in NSW is particularly concerning, as many people with disability rely on taxi services where other forms of public transport are not available, not accessible or inappropriate.

While price regulation is inappropriately placed within the Disability Standards for Accessible Public Transport, NCOSS would support a national approach to continued affordability for public transport services to ensure low income people, including people with disability, are not priced out of services.

4.2 Fare and Behavior Enforcement on Public Transport services

There has been a growth in the use of transit police in NSW, to not only apprehend those who ride without a ticket, but address ‘anti-social behavior’ of public transit riders.

⁹ Based on comparison of cumulative Sydney CPI and cumulative annual fare determinations for urban and country taxi fares since 1998/09, excluding the effect of the GST in the March 2001 quarter.

¹⁰ According to the index described in Figure X, urban taxi fares have grown 36% since 1998/9, while country fares have grown by 36.1% over the same period. The cumulative Sydney inflation rate over this period was 21%.

The introduction of Transit Officers onto CityRail services in particular has not been experienced positively by all passengers, and has arguably had a negative impact on rail services for some people with disability. A 2006 report from the Homeless Persons legal Service / Public Interest Advocacy Centre finds that there are “problems with fines in the public transport system and the Transit Officers who issue them.”¹¹ There are significant community perceptions of bias in the issuing of fines, and suggestion that “homeless people, people with disabilities, young people, Indigenous people, recent refugees and migrants appear to be easy targets for public transport fines.”¹² In 2005 the NSW Ombudsman expressed serious concerns about the failure of RailCorp to adequately resolve complaints related to Transit Officers.¹³ Of the complaint files investigated by the NSW Ombudsman, “53 investigations (or 74%) were unsatisfactory”...and...“almost half involved allegations of assault or excessive use of force during the arrest of people by transit officers.”¹⁴

In NSW it appears that the use of transit police is an increasing feature of the public transport experience. NCOSS would support inclusion within the standards appropriate regulation for how transit police might deal sensitively with people with disability who use public transport services.

4.3 Complaints processes

Problems with internal complaints processes – in NSW 131500 info line is ill equipped for serious complaints. Complaints processes for pub transport in NSW do not inspire confidence for people to make serious complaints eg. for an older passenger who falls on the bus due to erratic driving, the 131500 line can be inappropriate making a complaint as a recorded message. As for other sectors, an Ombudsman would be better placed to receive serious complaints from transport users.

Regarding taxis, there has been a loss of confidence in the complaints mechanism. Historical poor performance in WATs and complaints about the service have consistently indicated the need for improvements. The complaints mechanism requires appropriate promotion in order to inspire wheelchair users to use the complaints mechanism and be confident it will lead to positive changes.

Although industry, government and community groups are aware of the poor performance of WATs in relation to wheelchair users, complaints recording does not currently have a mechanism for identifying the specific concerns of WATs users.

Given the poor performance of some WATs services, it is fair to say that many wheelchair users have been reluctant to make contact with Customer Feedback Management System (CFMS, due to a perception that a complaint is unlikely to lead to an improvement in service quality. Specific promotion of CFMS to wheelchair users, with clear information provided on guidelines, timeframes and expected outcomes, could encourage these passengers to provide feedback that will lead to service improvement.

NCOSS supports the establishment of a Transport Ombudsman with oversight of all public transport services in NSW, and not just those provided by rail. NCOSS would also strongly recommend that any a NSW Transport Ombudsman should be adequately resourced to not only resolve individual complaints, but work with operators, government and regulators on systemic

¹¹ Homeless Persons Legal Service / Public Interest Advocacy Centre, *Not Such a Fine Thing! Options for Reform of the Management of Fines Matters in NSW*, April 2006, p1.

¹² HPLS / PIAC, *Not Such a Fine Thing!*, p1. See also Law and Justice Foundation of New South Wales, [No Home. No Justice? The Legal Needs of Homeless People in NSW](#), July 2005, pp105-8.

¹³ NSW Ombudsman, *Annual Report 2004-05*, pp69-72.

¹⁴ NSW Ombudsman, *Annual Report 2004-05*, p70.

issues arising from complaints. This means ensuring that the Ombudsman has a capacity for policy and research.

5. Regulatory Framework

While the HREOC approach can be effective in resolving issues for some individuals, NCOSS has concerns around its effectiveness for making systemic change in all areas.

Reliance on a complaints based approach as regulatory framework for public transport accessibility has significant limitations:

1. The onus for making a complaint is placed on the individual and their own resources. This often discriminates against low income people who have a reduced financial capacity to make and pursue a complaint through a potentially extended and onerous process.
2. The individual approach means that complaints don't necessarily lead to systemic change. Resolving an identical problem on an individual basis many times over does not improve the system. There must be a system which links trends in complaints to overall and specific service improvements ie systemic change.
3. Setting of targets for accessibility of public transport services and infrastructure can create a perverse incentive for a last minute rush to meet the compliance date . This makes it difficult to assess the value of the standards for passengers at the five year review date. Ideally regulation should aim to achieve even and sustained improvements.
4. There is a 'risk management' approach by government and operators – who often weigh the costs of a potential complaint being taken against the cost to make change. This is often not a productive approach and means some change might never happen. Changes must be made in the public interest rather than in response to a predicted number of complaints. People with disability frequently find it difficult if not impossible to make complaints. Consequently an accurate impact of the lack of access to public transport for people with disability is consistently under-reported or under-estimated.

NCOSS would support a complementary approach that also provided strong regulation for state and territory governments and operators to meet compliance targets, with accountability to the Federal government for operators and governments.

Thank you for the opportunity to provide feedback into the *Review of the Disability Standards for Accessible Public Transport 2002*. Should you require any further information, please contact Christine Regan ph 9211 2599 ext 117 or chris@ncoss.org.au.

Yours sincerely,



Linda Frow
Acting Director, NCOSS