



30 November 2018

Road Safety Policy and Transport Standards Section
Land Transport Policy and Safety Branch
Department of Infrastructure, Regional Development and Cities
GPO Box 594
Canberra ACT 2601

RE: Submission to Third Review of the Disability Standards for Accessible Public Transport

Thank you for your request for feedback on the Third Review of the Disability Standards for Accessible Public Transport 2002 (DSAPT).

PDCN is the peak body representing people with physical disabilities across New South Wales. This includes people with a range of physical disability issues, from young children and their representatives to aged people, who are from a wide range of socio-economic circumstances and live in metropolitan, rural and regional areas of NSW.

PDCN will briefly discuss the effectiveness and efficiency of the transport standards as informed by the experiences of our members and service users, whom are people with disability.

PDCN would firstly like to comment on the absence of a national system of reporting on compliance. There are limited statistics to determine what improvements have been made to public transport services in accordance with the DSAPT. PDCN recommends the introduction of a nationally consistent reporting system to ensure there is transparency regarding how each state and territory is working to reach compliance with the transport standards. PDCN is also extremely concerned that to date work towards compliance targets has not reached the actual targets set (i.e.: 90% of all trains were expected to be compliant by 2017, however in NSW this figure remains at less than 50% to date.)

PDCN is extremely disappointed that there are also no tangible consequences for non-compliance with the DSAPT. PDCN recommends ensuring compliance through greater penalties for transport providers and operators who do not comply, and a set mechanism to actively monitor compliance. The complaints process is currently the only way to ensure that non-compliance to the transport standards is addressed. Thus, it is essential following a complaints process with the Australian Human Rights Commission (AHRC) that compliance be monitored post conciliation.

Additionally, PDCN believes the specific timeframes in the DSAPT that are set for compliance must be imposed. People with disability in NSW have been waiting decades for the rail network to be made fully accessible and will continue waiting with full compliance not required to be achieved until 2023. Currently Transport for NSW suggest they are on schedule to achieve compliance with the DSAPT by this date, however the Transport Access Project publicly available online timetable of scheduled works does not offer full transparency or accountability for meeting these targets.

PDCN has also observed continuing deficits in the physical accessibility of public transport infrastructure and conveyances, the quality of public transport information, training of public transport staff and a lack of effective planning to ensure whole-of-journey accessibility.

Although the DSAPT are the minimum standards required to ensure all people have access to public transport services, PDCN has observed that accessibility requirements vary greatly within the disability community and the requirements presently do not ensure equal access for all people with disability. As an example, on some services such as light rail compliance with the transport standards is met through the provision of direct assistance from staff rather than ensuring independent access for wheelchair users.

PDCN also suggests that where appropriate, the DSAPT be amended to allow for the addition of new technologies that have great potential to increase accessibility and provide substantial benefits and independence for consumers with disability.

PDCN is disappointed to have repeatedly observed accessibility issues in the delivery of online information about transport services. PDCN has also witnessed consistency issues between varying transport service providers and operators in the quality of accessibility information provided to customers by each; including timetables for accessible services, the layout and features of conveyances or how direct assistance can be provided by staff.

Although PDCN believes granting temporary exemptions are important for public transport operators and providers to be given a fair opportunity to bring infrastructure, older stock, procedures and services into compliance with the DSAPT, PDCN believe the exemption process is imperfect. In many organisations we see the lack of accessibility stemming from social and cultural barriers, with management showing a lack of will to quickly implement or prioritise changes that would guarantee they comply with the transport standards.

PDCN has witnessed issues with whole of journey accessibility due to the interconnection between the Disability (Access to Premises - Buildings) Standards 2010 and the DSAPT. As the accessibility and design of the urban infrastructure around transport services is largely the remit of local government, issues may be created by poorly designed curbs, footpaths or steep gradients around train stations, bus stops or light rail which impede access for wheelchair users despite the mode of transport itself being accessible. This significantly impacts the ability of people with disability to freely access their community and in many cases prevents individuals from utilising their local transport services.

This issue is a substantially greater problem in rural and regional NSW where access to public transport for people with disability remains wholly inadequate. PDCN recommends infrastructure program funding in rural and regional areas to ensure that public transport can be made compliant even if local government does not have the financial capacity to carry out these developments.

PDCN is also concerned that little progress has been made in addressing the status of school buses and community transport services which are not covered by the transport standards and are frequently not accessible. With fewer providers and modes of transport adequately servicing rural and regional areas it is crucial people with disability can utilise school buses and community transport services, which may be their only means of transport.

PDCN believes transport providers need to improve their consultation processes to ensure they capture the views and experiences of people with disability, including those individuals who at present cannot use public transport, due to the inability to access same. Furthermore, consultation must be appropriate to the mode of transport being implemented (e.g. a bus stop, new rolling stock or a new community transport service) and ensure the voices of those who are unable to physically attend a consultation are also encompassed in planning and design discussions.

Finally, PDCN would like to highlight the importance of continued funding and resourcing of advocacy organisations who assist people with disability. Through our capacity building programs PDCN has worked with people with disability who were not empowered to understand their right of access to transport or how to make a complaint. PDCN believes for many individuals the complaints mechanism may appear arduous despite the assistance that can be provided by the ARHC or individual advocacy organisations. The process which requires complainants to lodge their issues in writing with enough information to detail how an alleged act, practice or omission has resulted in unlawful discrimination can be cumbersome and would benefit from being streamlined.

To achieve the outcomes of the National Disability Strategy 2010-2020 (NDS) commitments must be made by all levels of government and transport operators and providers to guarantee compliance with the DSAPT and whole of journey accessibility for people with disability. NDS Policy Direction 4 Outcome 1 focuses on developing a public, private and community transport system that is accessible to the whole community¹. Access to suitable transport underpins all aspects of life for people with disability and is vital to ensure individuals full social and economic participation in the community.

PDCN appreciate the opportunity to provide comment on the Third Review of the Disability Standards for Accessible Public Transport 2002.

Sincerely

A handwritten signature in black ink, appearing to read 'ES', is written over a light blue horizontal line.

Ellen Small
Policy Officer
Physical Disability Council of NSW

¹ Commonwealth of Australia, National Disability Strategy (NDS) 2010- 2020, page 32