



Review of the Disability Standards for Accessible Public Transport

2023

Physical Disability Council of NSW
3/184 Glebe Point Road, Glebe NSW 2037

02 9552 1606
www.pdcnsw.org.au

alice.batchelor@pdcnsw.org.au
serena.ovens@pdcnsw.org.au

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Who is the Physical Disability Council of NSW?

The Physical Disability Council of NSW (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.

Our core function is to influence and advocate for the achievement of systemic change to ensure the rights of all people with a physical disability are improved and upheld.

The objectives of PDCN are:

- To educate, inform and assist people with physical disabilities in NSW about the range of services, structures and programs available that enable their full participation, equality of opportunity and equality of citizenship.
- To develop the capacity of people with physical disability in NSW to identify their own goals, and the confidence to develop a pathway to achieving their goals (i.e. self-advocate).
- To educate and inform stakeholders (i.e.: about the needs of people with a physical disability) so that they are able to achieve and maintain full participation, equality of opportunity and equality of citizenship.

Recommendations

Recommendation 1:

Review the complaints system to create clear processes for making complaints

A review of the complaints system must be conducted as current complaints mechanisms are often unclear or inaccessible.

Recommendation 2:

Introduce an independent body to monitor compliance, enforce timelines and regulatory requirements, and enforce mechanisms for achieving satisfactory levels of reduced discrimination

A review of the complaints-based model of enforceability must be conducted, and an independent body put in place to monitor compliance and properly enforce timelines and regulatory requirements, subject to penalties.

Recommendation 3:

More extensive disability awareness training for all transport staff to promote higher standards of customer service

Training that extends beyond disability awareness and focuses on high quality public transport experiences for passengers with disability - which includes customer service, the provision of support, the safe use of assistive aids and passive and active containment systems extending to inclusive transport infrastructure design must be mandated. We recommend training based on a 'whole of journey approach' that should be consistent across States and Territories.

Recommendation 4:

More extensive disability awareness training for all transport staff in the use and handling of assistive technology

It is integral that staff understand the use and handling of assistive technology when assisting or interacting with people with physical disability. This will promote greater awareness of what assistance is required for people using assistive technology using public transport.

Recommendation 5:

Ensure all forms of current and future public transport will be covered by the Transport Standards

Ensuring there is a mechanism for adding new forms of public transport into current DSAPT within its lifespan is imperative to the access to and inclusion of people living with physical disability.

Recommendation 6:

Shorter timeframes for 100% compliance with the Disability Standards for Accessible Public Transport

Timeframes for compliance must be reviewed with the aim to reach compliance within reasonable timeframes of no more than 10 years for all public transport systems, and older non-compliant conveyances must be modified if still in use or replaced with compliant conveyances immediately. The Transport Access Program must see 100% compliance for train stations within 5 years, considering this was initially set for completion by 2022.

Recommendation 7:

Real time data on the accessibility of public transport and outages must be made available to the public - via accessible formats

Information of trips, timetables, disruptions, and way finding must be available in accessible formats.

Introduction

The Physical Disability Council of NSW appreciates the opportunity to respond to the review of the Disability Standards for Accessible Public Transport 2002 (DSAPT). As the peak body representing the estimated 1,056,440 people with physical disability in NSW, it is integral that the transport needs of these individuals are met to an equitable standard as other public transport users.

Equitable access to public transport is explicitly outlined in the Disability Discrimination Act 1992 (Cth) (the DDA)ⁱ and the review of the DSAPT is a welcome step towards improving accessibility, however it is important that these discussions move past the discussion phase. The expressed needs of people with disability must be heard and acted upon, and stated timeframes for achieving access must be met.

Accessible public transport is a vital component of public infrastructure for any inclusive community. Public transport connects people to community and facilitates an individual's engagement, both as a public citizen and community member. Public transport links people to services, business, education, recreation, employment – and each other. For many members of the physical disability community, public transport may be their primary, if not exclusive, mode of transport and is key to ensuring that people with physical disability can realise their fundamental rights as citizens.

For an estimated 1,056,440 individuals with physical disability across New South Wales, accessible public transport is vital to realising independence and social inclusion. The Disability Standards for Accessible Public Transport (the DSAPT) has been instrumental in defining what our community can expect as their legal rights under the DDA and is useful as an authoritative tool across PDCN's systemic advocacy work in this space.

In preparation for this submission, PDCN conducted a member consultation of seven people with a range of physical disabilities. This consultation, and insight gathered from our Lived Experience Advisory Panel has informed this response, noting that those consulted are all people with lived experience of physical disability.

Through consultation, it is apparent that discrimination still occurs for users of public transport with physical disability. It is clear in the past five years steps have been taken to reduce discrimination and increase inclusion for people with physical disability. Efforts have been made ensuring new conveyances are designed in codesign with people with disability to meet and go beyond standards for accessibility, however there are still further steps that must be taken to ensure people feel safe and included during their whole of journey experience. It is also apparent that mechanisms for enforcement, education and training for staff, and awareness of the DSAPT and Guidelines for understanding the DSAPT are in great need of improvement and must be addressed for the DSAPT to achieve its goal of reducing discrimination faced by people with physical disability.

Familiarisation with the Transport Standards

Through consultation with people with physical disability, it is clear that there is minimal awareness of the Transport Standards. In a consultation run by PDCN with people with experience of physical disability, none of the participants had an in depth understanding of the Standards, and none were familiar with the Guidelines to support passengers in interpreting the Standards, or even knew of the existence of the Guidelines.

There is a general lack of awareness of the Transport Standards for users, with minimal information available to the public to raise awareness. It is important that people are made aware of the Transport Standards, and the expectation of accessibility standards for public transport understood.

It is also important that users be made aware of the Standards, as the mechanism for compliance is complaints-based, and reliant on an understanding from users as to what is compliant and non-compliant.

Discrimination

The DSAPT has been a powerful and essential tool in increasing access and reducing discrimination for people with physical disability using public transport. Despite the extensive reach of the DSAPT, much of the standards put in place are act as a baseline for accessibility and do not extend beyond bare minimum. This has left room for discrimination to still occur, and lengthy timelines for reaching goals for accessibility have left people with physical disability waiting decades for improvements to services that will allow them to have more independence, and equity with their non-disabled counterparts.

While having a minimum standard for accessibility is positive, the baseline of compliance must be lifted to an equitable standard. This must be seen through a whole of journey approach, and all services liable to the standards be made sure to be compliant. There must also be better mechanisms in place to monitor non-compliance with the standards, such as an independent body engaged to monitor progress and deal with non-compliance and regulatory issues.

Identified Need for Change

The DSAPT as it stands acts as a baseline for achieving equitable access to public transport for people with physical disability, however there are still areas that need improvement and areas that have not been addressed adequately. Changes need to be made regarding the mechanisms for enforcement and compliance with the standards, more extensive disability awareness training for staff, including training on how to handle assistive technology in practice, and shorter achievable timeframes for reaching 100% compliance across all modes of transport.

In reviewing the Transport Standards, it is imperative that new forms of transport be considered, and included (or be able to be included when operable) so as not to cause unintentional consequences of non-compliance where a form of transport may not be in place at the date of implementation (i.e.: drones, automated vehicles, etc) and therefore not need to conform to the Standards until the next review (given that this may be 10-20 years hence.)

Mechanisms for Enforcement

There is a need for changes to mechanisms for enforcement and handling of the complaints-based system. It is our understanding (from a NSW context), that current complaints can be made to Transport for NSW through calling their 131 500 number, with an option for disability related complaints specifically through an in-call option. However, this information is not explicitly stated

or made easily available to the public and is not explicitly clear on the official website, with options to call 131 500 to give feedback but no direction as to where to take disability specific feedback, or alternatively, the direction to a written feedback formⁱⁱ. It is integral that systems for making complaints are clear and accessible to ensure issues are adequately addressed.

There should be a separate complaints line that handles disability issues. Because I just think the operators don't have an understanding of what people with disability go through. So, they don't take their complaints seriously enough. You're merely a number in the line. And I just think there needs a whole new mechanism where they can handle the complaints as a separate matter.

It has been suggested by members that a separate mechanism for disability related complaints be set up that is easily accessible. While we believe a disability specific complaints mechanism is important to implement, we do not believe that this should be the mechanism for enforcement of the standards for accessibility.

Previous submissions from PDCN have highlighted that a complaints-based mechanism is not fit for purpose as a mechanism for enforcement. A complaints-based model under the Disability Discrimination Act (the DDA) does not align with the objectives of the Standards. It does not provide for any precedents that can be used to create broad cultural understanding and change, nor provide any consistent level of enforcement. If we expect uniform progress towards greater accessibility, there needs to be broad oversight and enforceability driven by the government, or an independent body, not individuals.

If there is a movement towards resetting compliance targets, and collecting data on progress towards meeting these targets, we need to consider how non-compliance is managed. We are not satisfied with the AHRC anti-discrimination process as the primary mechanism for driving compliance, nor the use of unjustifiable hardship as a mechanism to avoid compliance in more than the very short term (1-2 years).

Recommendation 1:

Review the complaints system to create clear processes for making complaints

A review of the complaints system must be conducted as current complaint processes are often unclear or inaccessible.

Recommendation 2:

Introduce an independent body to monitor compliance, enforce timelines and regulatory requirements, and enforce mechanisms for achieving satisfactory levels of reduced discrimination

A review of the complaints-based model of enforceability must be conducted, and an independent body put in place to monitor compliance and properly enforce timelines and regulatory requirements, subject to penalties.

Restraints and Safety

Safety issues have been noted around mechanisms for securing wheelchairs on transport. Although it is stated while travelling on a regional coach an approved seat belt for a mobility aid must be usedⁱⁱⁱ, there is minimal regulation beyond this. Without appropriate regulation where restraints are in use on public transport, there is the potential for misuse of restraints, leading to safety hazards for users.

Under the current Transport Standards, information on the use of passive restraints on public transport is vague and mostly unregulated. Securing mobility aids is a matter of basic transport safety. Mobility aids can be extremely heavy and pose a risk to both the user and other passengers if they become displaced during starts, stops, and turns. They can also become damaged through

sliding or tipping out of allocated spaces. Often is the case for our members that allocated spaces are not plentiful enough, and they are forced to stay in awkward and unsafe spaces for travel, often unrestrained.

We have noted through consultation with our membership that in some cases, active restraints are beneficial for the safety of passengers, however these restraints must be clearly defined and explained through regulatory amendments in the Transport Standards to be most beneficial to people who require them.

Education and Inclusion Training for Staff Around Assistive Technology

Customer service programs are outlined in the DSAPT, with specific reference to awareness of difficulties a person with disability would face, and training in the use of boarding ramps:

37.3 Customer service programs

Some appropriate inclusions in customer services programs are:

- (a) awareness education of the difficulties a passenger with a disability may face at different stages of a journey; and
- (b) training in the use and upkeep of accessible features such as boarding ramps, wheelchair lifts, hearing loops and tactile tiling.^{iv}

It is a common complaint from our members that staff have not been prepared for people requiring ramp assistance on trains and have ultimately left people with physical disability stuck on trains or asking for assistance from the general public.

It has been suggested by our members that additional education for transport staff in specific reference to handling assistive technology be implemented. There is a need for greater awareness and stronger safety protocols around safely transferring assistive technology and assisting people who rely on this technology.

Recommendation 3:

Greater disability awareness training for all transport staff to promote higher standards of customer service

Training must be mandated that extends beyond disability awareness and focuses on high quality public transport experiences for passengers with disability - which includes customer service, the provision of support, the safe use of assistive aids and passive and active containment systems extending to inclusive transport infrastructure design. We recommend training based on a 'whole of journey approach' that should be consistent across States and Territories.

Recommendation 4:

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It is integral that staff understand the use and handling of assistive technology when assisting or interacting with people with physical disability. This will promote greater awareness of what assistance is required for people using assistive technology using public transport.

Continued Use of Older Conveyances

It is apparent that compliance with the Standards is starting to be realised through newer conveyances, however the continued use of older conveyances and disruptions to services prevent an equitably accessed system of transport for people with disability.

As is explicitly stated in the Transport Standards;

- (4) Under the Disability Standards, public transport services and facilities will become more accessible by:
 - (a) the replacement or upgrading of conveyances, premises and infrastructure in accordance with the compliance timetable outlined in Schedule 1 to the Disability Standards (usually at the end of their service lives)^v

It is not acceptable that conveyances are only to be made accessible in line with the Disability Standards and replacement of inaccessible conveyances is only to occur in most cases at the end of their service lives. Continuing to run services using older conveyances that are incompatible with more recent Disability Standards for Accessible Public Transport is problematic, as people with physical disability will face barriers to access using these conveyances.

There is also a need for a mechanism for adding new forms of public transport into the DSAPT within its lifespan. As new technologies evolve, it is essential that these meet standards of accessibility from the beginning of their design.

Recommendation 5:

Ensure all forms of current and future public transport will be covered by the Transport Standards

Ensuring there is a mechanism for adding new forms of public transport into current DSAPT within its lifespan is imperative to the access to and inclusion of people living with physical disability.

Infrastructure

Infrastructure is integral to creating or dismantling barriers for people with physical disability accessing public transport. Despite standards for accessibility being implemented, these barriers still exist in public transport infrastructure.

A survey of our membership conducted in 2022 found 33% of participants rated public transport bathrooms and waiting rooms in general as being of poor standard to meet their needs, with 25% stating that these facilities were generally of a very poor standard. This is compounded by the fact that of the train stations and ferry wharves where toilets are present, 31% continue to lack an accessible bathroom^{vi}. The poor quality and limited availability of accessible facilities, in and around public transport, actively discourages people with disability to utilise public transport services.

Over the past five years, our members have seen considerable improvements to accessibility on public transport. This is often related to the introduction of new conveyances designed through extensive consultation with people with disability, which has improved the practical use of conveyances for people with physical disability.

While we commend these newer conveyances, issues arise with the continued and unavoidable use of older transport infrastructure that has not yet been retrofitted or modified to meet standards for accessibility. As of July 2021, 47% of train platforms lack compliance in terms of boarding assistance zones despite the target of 100% compliance by 2022.^{vii} In addition to this, the reliance of people with limited mobility, especially wheelchair users, on transport staff when boarding and alighting trains remains an issue for people with disability, as this inhibits their capacity for independent travel.

There has also been an observed improvement in disability awareness from staff, however changes in structures such as the privatisation of buses and the lack of compliance measures have

allowed bus companies exemptions to meeting accessibility standards outlined in the DSAPT. This is concerning as private bus companies have lower rates of low-floor wheelchair accessible buses within their fleets (80.2%) compared to the State Transit Authority Fleet (88%) across the metropolitan bus transport system^{viii}.

PDCN is also aware that the requirements of the DSAPT can conflict with occupational health and safety standards as well as other legislative and regulatory requirements that bus operators are obliged to meet, causing concern across the industry^{ix}. There is also a greater need for training around handling and understanding of assistive technology, as currently the onus remains on the individual who requires the assistive technology, despite relying on staff for equivalent access and assistance on many conveyances.

Current guidelines in the DSAPT state:

“Existing public transport will progressively become accessible over a 20-year period with substantial access within 10 to 15 years (30 years for trains and trams).”^x

A 20–30-year aim is simply not good enough for people with physical disability now, with half of Australians aged 65 years and older having a disability.^{xi}

There needs to be a more concerted effort to improve accessibility of public transport in a shorter time frame, with a maximum of 10 years, as not everyone with physical disability can afford to wait decades to be able to travel independently.

While we understand the Transport Access Program is underway, mechanisms need to exist to track whether a proposed alternative constitutes a satisfactory alternative to prescriptive requirements under the DSAPT. At the same time, it must be established that any alternatives explored to achieve equivalent access are determined in codesign with the disability community and are safe for use.

It is also important that the Transport Access Program delivers to an attainable and reasonable deadline to ensure 100% of public transport infrastructure across NSW is accessible within the next 5 years. This is essential considering this program was set to be completed by the end of 2022 and is now 10 years behind schedule.

Recommendation 6:

Shorter timeframes for 100% compliance with the Disability Standards for Accessible Public Transport

Timeframes for compliance must be reviewed with the aim to reach compliance within reasonable timeframes of no more than 10 years for all public transport systems, and older non-compliant conveyances must be modified if still in use or replaced with compliant conveyances. The Transport Access Program must see 100% compliance for train stations within 5 years, considering this was initially set for completion by 2022.

Member Experiences

Information Systems and Planning Journeys

Equitable access to information systems is foundational to the use of public transport. Information on trips, timetables, disruptions and way finding must be available in accessible formats.

Research conducted by PDCN in 2022 found that 30% of those surveyed rated accessibility of public transport information as poor. Members have noted that current transport information systems can be difficult or confusing to read, may not meet the accessibility needs of our members and often lack the specific information that they require to confidently plan their journeys, for example, the provision of real-time and accurate timetabling and information to support multi-modal travel and resolving such issues is essential.

I have had an experience where I went into the city using the light rail and the lift wasn't where I was to get off, the lift was out of action. So, then I had to try and press the button and get someone's assistance. It took a long time. But then I had to try and plan to get another light rail tram to another station that had a lift. There's no way of knowing, that I know of, of being alerted that the lifts are out.

Additional information on outages of lifts is not readily or easily available in real time. This has been a constant issue for users of public transport. As not all stations are accessible there is an expectation that those that are made fully accessible to be functional. If there is an unexpected or expected outage of lifts, escalators or assistive technology there needs to be an easily accessible way to notify users so alternative transportation can be arranged ahead of time.

We got to Albury Train Station, and we ended up having to get a taxi up to Seymour, just to get on the train. Because we got there and the mechanism for the ramp had broken down. And we weren't told until we got there. But if we had been told, we would have organised alternative arrangements. And that meant that we almost missed the connecting train to get to where we needed to be.

Additionally, trip and accessibility information must be provided in accessible formats. Specifically outlined in the DDA is the expectation that information available to users of the premises should be accessible^{xii}. Non-provision of this information discourages people with disability from confidently using public transport, and discriminates against people with disability, inhibiting the inclusion of the whole community in a public space.

They say to me that they will get a customer service person to ring and confirm, and either that doesn't happen, or they ring from a private number - and I don't know about you, but I don't like to answer a lot of calls that I don't know the number from, or in particular if it comes up as a private call. I like to at least see the number so I can return it.

Recommendation 7:

***Real time data on the accessibility of public transport and outages via accessible formats must be made available to the public
Information of trips, timetables, disruptions, and way finding must be available in accessible formats.***

Disruptions and Replacement Buses

Experiences for our members when disruptions to transport occur are often negative. It has been noted that train replacement buses are often not adequate to transport people with physical disabilities who require assistive technology such as wheelchairs. It has been noted that often the available replacement transport is a coach, which is not accessible for a wheelchair user, or buses do not have adequate space to carry luggage which can include wheelchairs or other essential equipment.

Members have been forced to rely on Wheelchair Accessible Taxis (WATs) when disruptions have occurred or where buses are not accessible, which has come at great cost. This system is also unreliable as WATs are already in short supply and high demand, especially in regional areas where there are often only one or two WATs available.

Safety

Issues with safety using public transport for people with disability are a catalyst for discrimination. While procedures are in place to protect the safety of users of public transport, interpretations or misunderstanding of these safety procedures may lead to unsafe practices or discrimination.

The biggest issue for me is conductors. They hide behind policies – well, supposedly, OH&S policies, so therefore they won't [assist]. Some will help and use a bit of common sense, but there's many, many out there that won't.

It has been noted by our members that when using public transport and requiring assistance, transport staff have refused to assist due to safety reasons relating to Occupational Health and Safety. While this is understandable in some circumstances, there needs to be alternative ways to assist when a staff member cannot, so that a person with access needs still has equitable access to transport.

This may relate to a lack of lift facilities at a station. People with mobility issues have the right to access, but it is unreasonable for transport staff to lift and carry assistive technology or mobility devices for a person with disability up or down stairs for them to access a conveyance. When reasonable, there is an expectation that staff will assist, however this expectation is not cohesive across all transport and can be subjective, leading to discriminatory practices.

There is also concern that, despite appropriate safety measures being implemented on some conveyances, staff are unaware of how to use these in practice.

I've used coaches, and they've had the mechanisms for tying down wheelchairs, et cetera, but they don't know how to use them, so therefore it's not accessible transport. Because to be accessible, you've actually got to know how to use them. So, a lot of the times, when that's happened, I have just been shoved into a taxi and taken, which defeats the whole purpose.

Boarding and Alighting

Generally, it has been noted that recently developed and new transport conveyances such as the Light Rail and Sydney Metro lines work well in providing equitable access for people with disability. This is due to the increased level of independence using these conveyances for people with mobility issues, such as level entry ways, small gaps between the platform and conveyance allowing for independent boarding and alighting, and adequate and appropriate seating and space for people with limited mobility and assistive technology or wheelchairs.

These features have been noted by our members as instrumental in increasing their independence and confidence using public transport, without needing to rely on transport staff when boarding, and giving greater freedom to board or alight without needing prior trip planning.

The light rail for me. For example, if I go to dental hospital, from Central to Kingsville or the hospital, it's very easy to take, very comfortable, very smooth. There's no gap.

The light rail is really easy and smooth to travel. Not the train - that's a completely different story. Train, there's gaps and it's horrible. But the light rail, I have a very good experience.

It has been a recurrent comment from our members that train travel across the Sydney metropolitan area and regional services has been frustrating due to the lack of boarding independence and reliance of staff to assist.

My experience with using the train is that I've started asking for boarding assistance: For example, now, that consists of asking the staff at the top of the train station for boarding assistance and they'll radio through down to the staff on the platform, organising an accessible ramp to get on and off the train. The reason I use this is because the gap between the train and the platform is about 20-25cm wide. And it is extremely dangerous. And I've found that when I haven't used an accessible ramp, getting on and off the train, I find it very difficult. And I fell down between the train and the platform once. There are sometimes when I have been forgotten.

There is also expressed concern around the accessibility of boarding points for buses. In the interim between building accessible infrastructure, there is a need for alternative accessibility options for those who rely on these services. From our member experiences, this has not always been the case despite the Disability Standards for Accessible Public Transport (2002) explicitly stating '*an access path that allows unhindered passage must be provided along a walkway, ramp or landing.*'^{xiii}

I just think there needs to be more safeguards around discrimination. Because I just think because there's so many different types of trains and buses, and the biggest problem that I find is that they're building bus stops where I am, but you've got to get off the street before because they're the nearest ones. And then you have a concrete walk and there's no access point for a wheelchair to get on.

Customer Service

Customer service for people with physical disability using public transport is vital to the user experience, with people relying on staff at various transport modes for boarding assistance, trip information, and general assistance. Customer service while using public transport for people with disability has seen mixed experiences.

They've got a platform in Albury, which is NSW, and that's where I believe the breakdown of communication has certainly happened a number of times. In regard to just accessibility for those of us with mobility needs, getting on and off at Albury. It's just been lots and lots of different interpretations of the rules from different conductors. And there's not one line that's been given. There's been several from different people over the years and all that's doing is creating confusion.

There is an expressed confusion and lack of cohesion across transport networks on current procedures for supporting and assisting people with disabilities using public transport. As current transport conveyances often require assistance for aspects of travel, it is integral that procedures are cohesive across the transport network, and staff are provided with adequate disability awareness training. Members have noted a varied experience with customer service, with most experiences relating to a lack of understanding of disability from staff.

The difference between customer service that you get from using a manual chair to an electric chair is massive. The conductors, for the most part, are not very patient when it comes to assisting. When I have been in my manual wheelchair, I've gotten into a train seat and they've moved my manual chair – and I have understood why – but they've then refused to bring it back on multiple occasions. And a lot of the time [staff] refused to help me get off the train with my bags as well. That went on for many, many years as a manual chair user. Now I've got my electric chair, so I've got a little bit more independence. But my feeling is watching other people on the train who have got manual chairs, or even invisible disabilities, patience just isn't there from conductors.

It has been noted by our members through consultations and surveys conducted in late 2022 and 2023, that staff assistance with using ramps and general equal access assistance has often been uncomfortable. This has often related to the use of buses, with people with physical disability choosing to avoid use of buses due to poor customer service experiences, especially in relation to the deployment of the ramp and lack of understanding from drivers of the needs and differences in ability for people with physical disability.

One member raised concerns of ongoing issues between stations, with staff at Auburn station having refused boarding assistance to them (a wheelchair user) on multiple occasions when unable to reach staff at Lidcombe station via phone to notify them of the need for assistance at their end.

This is despite the availability of an onboard ramp and assistance from the train guard when station staff are unable or unavailable to assist. This communication between station staff and use of the ramp should be included in mandatory disability awareness and customer service training for all staff.

Many of our members also note the continual extremely poor processes associated with airline travel, with issues from the point of booking to check-in and boarding procedures, inadequate facilities and assistance during flight, airlines' ability to refuse travel based on the number of wheelchair users booked on any flight, to constant and considerable damage to expensive assistive technology carried in the hold.

It is integral that staff are adequately and appropriately trained in disability awareness. Without appropriate procedures and training in place, poor customer service experiences will continue to occur, perpetuating discrimination for people with disability using public transport.

Making Complaints

It has been noted by members that current complaints processes are not meeting consumer needs.

Filing complaints is often the first step in addressing discrimination for users of public transport. Without an adequate process and framework for addressing complaints, it is inevitable that discrimination will continue to exist within the public transport network. It is a common perspective that complaints made to public transport providers and operators will not be addressed and are therefore not worthwhile, prompting people with physical disability to opt out of entering into the complaints process at all.

I make lots of public complaints, but not formally. Because I think, to be honest, I don't think I would be listened to, and I don't think I would ever see any change.

There is a noted distrust of the complaints system, with a general disillusionment as to whether complaints will actually be addressed. This has dissuaded people from formally making complaints.

We have made numerous complaints to TfNSW, Sydney Trains in particular. They have been in relation to their staff behaviour, which is in clear contravention of the Disability Discrimination Act and their DIAP. We have also taken time to give positive feedback when staff have been of great support. Unfortunately, the number of complaints outweighs the number of compliments.

It has been suggested by members through consultation that a separate complaints system be set up for disability specific complaints. This would aid in streamlining the information and occurrences of discrimination and prioritise disability specific issues. This would also give greater reassurance that complaints related to disability discrimination and accessibility of public transport will be addressed and provide people with disability greater confidence in the public transport system.

Concluding comments

There are observed improvements in recent years to public transport across NSW, with the introduction of new conveyances produced through codesign with the disability community. However, discrimination is still a regular experience for people with disability using public transport, as older conveyances lack the accessibility of newer designs, accessible infrastructure remains an aspirational goal without sufficient progress, and the attitudes of both staff and the general public towards people with disability remain an issue.

While the DSAPT upholds a baseline standard for accessibility of public transport, there are still gaps that have allowed barriers to transport for people with physical disability to remain. Issues that have been identified through consultation with our membership include boarding and alighting, customer service, safety, infrastructure, information systems and complaints mechanisms. PDCN also identifies a need for greater commitment to compliance to the DSAPT and shorter timeframes for compliance. The existence of standards for accessibility are important, but compliance must be monitored more extensively and quickly rectified.

Broadly, PDCN supports a regulatory approach to the DSAPT as this places more emphasis on operators and staff to comply with delivering minimum accessibility for our members. For a more extensive position, we refer to our previous submission the Stage 2 Modernisation of the Disability Standards for Accessible Public Transport.

PDCN appreciates the opportunity to comment on the review of the DSAPT.

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- ^{ix} Australian Government, Department of Infrastructure, Transport, Regional Development and Communications, *Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)*, November 2021, at p 45.
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- ^{xiii} Australian Government (2002), *Disability Standards for Accessible Public Transport 2002*, 2nd May 2011 <<https://www.legislation.gov.au/Details/F2005B01059>>