# Response to the Reforms of the Disability Standards for Accessible Public Transport 2002: Stage 2 Consultation Regulation Impact Statement March 2022

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## Contents

## Australia's Disability Strategy 2021–2031

The Disability Standards for Accessible Public Transport (DSAPT) reforms must be undertaken within the scope of Australia's Disability Strategy

2021-2031[1]. Failure to align the DSAPT reforms with the policy objectives of Australia's Disability Strategy 2021-2031 risks a failure of the policy in the realm of public transport. The three policy priorities that are of most concern to the reforms are listed below.

> *Policy Priority 4: The built and natural environment is accessible*
> This policy priority covers the precincts surrounding the public transport assets. As part of the whole journey, public transport assets must be linked by continuous access paths.
>
> *Policy Priority 5: Transport systems are accessible for the whole community*
> Policy Priority 5 covers the conveyances, infrastructure and premises of the public transport system. It also covers booking and boarding policy and practice, fare payment systems, fixtures and facilities.
>
> *Policy Priority 6: Information and communication systems are accessible, reliable and responsive*
> This policy priority seeks to reform the quality of information and communication so that it is presented in a manner that allows equal participation in the public transport system.

The scope of these policy priorities exceeds that of the DSAPT and actually encompasses all of the DSAPT and its proposed reforms.

The reformed DSAPT must be able to deliver on the policy priorities of Australia's Disability Strategy 2021-2031.

The policy priorities will be subject to a strict reporting regime. This will ensure transparency and accountability in assessing the progress of the Strategy.

### Reporting under the Strategy

All levels of government have committed to deliver more comprehensive and visible reporting. Reporting under the Strategy aims to ensure accountability and build the evidence base for making informed decisions on areas of future focus. It will also drive improvements in the design and implementation of future policies and programs. Reporting under the Strategy will be an important input to reports developed to meet Australia's reporting obligations under the UN CRPD and will support Australia in continuing to strengthen its response to ensure the equal rights of people with disability in line with the UN CRPD.

### Policy Priority 4:

#### The built and natural environment is accessible

Adopting universal design principles enables everyone, regardless of age or ability, to use buildings, transport, parks, and playgrounds without the need for specialised or adapted features. Buildings and outdoor spaces that are not accessible exclude people with disability from participation in work, education, and social and cultural life.

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[1] https://www.disabilitygateway.gov.au/sites/default/files/documents/2021-11/1786-australias-disability.pdf

### Policy Priority 5:

#### Transport systems are accessible for the whole community

Being able to use public, private and community transport to move around the community underpins all aspects of life for all people. Being able to move around the community has positive impacts on everyone's health, social life, education and employment. For this to occur, transport and its entry points (e.g. stations and platforms) need to be accessible to everyone, including people with disability. Other key factors include access to emerging technology and point-to-point transport (e.g. rideshare), proximity of transport systems, frequency of services, information to support the journey (e.g. hearing loops and alerting devices) and getting to and from the transport (e.g. footpaths and walkways).

### Policy Priority 6:

#### Information and communication systems are accessible, reliable and responsive

Being able to access information and communicate is vitally important in all aspects of life. It is central to people's safety and health, to involvement in their communities, employment and education, and to using transport, banking and shopping. Provision of communication in accessible formats (e.g. Braille, Auslan, Easy Read formats) can have a positive impact on the health of and opportunities for people with disability. With technology becoming a key means to participation across all elements of individual and community life, it is important that technology is inclusive of all Australians.

## 1. Reporting

### Consultation questions

#### 1. How could the impact on you change if compliance data is reported for sections of the Transport Standards (regulatory option 2) or for whole transport assets (regulatory option 3)?

Sections of the DSAPT are discrete units and easily reported on. Entire assets are rather more complex and very difficult to report on in a meaningful way. For example, a train can be broken down into its constituent Sections and these reported against. It is quite likely that the modular nature of trains allows the entire class to be assessed if a Section in one train is assessed. For example, a non-compliant door control in one NGR train most likely means the same noncompliance in the entire NGR fleet. This approach makes the non-compliances targetable and more easily prioritised Section by Section.

Assessing the entire train as compliant or non-compliant risks too broad a picture of the problem. A train 99% compliant is in fact non-compliant. It is likely that the train is still highly functional though, despite being recorded as non-compliant. In any case it is likely that the train would be assessed against DSAPT Sections and these extrapolated to the entire asset.

Complicating any compliance data is the Equivalent Access compliance solution. It is a fully compliant solution but is only able to be assessed subjectively based on the records associated with the process. For example, at a bus stop in a challenging location a particular layout may

have reached compliance via Equivalent Access. Assessed some years later by a person not aware of the Equivalent Access process and how the solution was reached, the compliant bus stop may be judged as non-compliant because it did not conform to the prescriptive requirements of the DSAPT.

Some means of incorporating Equivalent Access solutions into the compliance data will be one of the challenges facing either Option 2 or Option 3.

2. What is your preferred option: status quo, non-regulatory option, or regulatory option 1, 2 or 3? Why?

A regulatory option accompanied by explanatory guidance is supported only in principle. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

None of the three regulatory options are supported. Option 3 is the best of a poor selection. Reporting must cover ALL transport assets. Most assets currently in service will remain as the majority of assets in service for the foreseeable future. That any should escape assessment and reporting is not acceptable. It would also render the reporting regime formulated under Australia's Disability Strategy 2021-2031 less than effective.

Only comprehensive reporting on all assets will permit the Disability Strategy's 'accountability' and allow the building of the 'evidence base for making informed decisions on areas of future focus'. These are essential to 'drive improvements in the design and implementation of future policies and programs.' An excerpt from the Disability Strategy reads:

> Reporting under the Strategy
> All levels of government have committed to deliver more comprehensive and visible reporting. Reporting under the Strategy aims to ensure accountability and build the evidence base for making informed decisions on areas of future focus. It will also drive improvements in the design and implementation of future policies and programs. Reporting under the Strategy will be an important input to reports developed to meet Australia's reporting obligations under the UN CRPD and will support Australia in continuing to strengthen its response to ensure the equal rights of people with disability in line with the UN CRPD.

3. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The options provided fail to ensure people with disability would be able to access public transport without discrimination. They do not allow for comprehensive reporting on all assets. This will hamper effective planning and identification of service gaps.

4. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of any option?

Lack of agreement between jurisdictions, disability sector and private operators on how to report and what to report would seem to be the most significant challenge.

### 5. Would you provide compliance data to the Australian Government if it was discretionary?

It is currently discretionary, and many operators and providers do not provide data or do so in such a general fashion that it cannot be meaningfully analysed. Only compulsory reporting under regulation will derive the data needed to evaluate progress or lack of progress.

### 6. What is your experience reporting on public transport accessibility (if applicable)?

As stated above, data provided is often only at high level or is incomplete.

### 7. Do you think compliance data on the Transport Standards should be made public? If yes, what would you use the data for?

Data should be made public. The public have a right to understand the status of public transport access and to take appropriate and necessary action if it falls short of expectation. Further, the Disability Strategy reporting will be public, and the expectation would be that DSAPT reports would be also:

> Reports developed under the Strategy will be available on the Strategy's website and will be in accessible formats.

## 2. Equivalent access

### Consultation questions

### 1. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

While a regulatory option accompanied by explanatory guidance is supported, the regulatory options suggested are not supported. The best option would unfortunately appear to be Status Quo with a little more guidance on appropriate process.

The Australian Human Rights Commission's *Guidelines: Equivalent Access under the Disability Standards for Accessible Public Transport 2002 (Cth)*[2] might be usefully cited in any DSAPT guidance material. In particular its definitions of amenity, availability, comfort, convenience, dignity, price and safety, the criteria for ensuring the equivalence of an Equivalent Access solution, are useful in determining the validity of solutions.

The proposed national certification bodies appear fanciful. Similar bodies were proposed for the Premises Standards but not a single jurisdiction implemented one. These were the 'access panels' that are promoted in the Australian Human Rights Commission's *Guideline on the application of the Premises Standards, version 2 – 2013*[3]*.*

Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider. Status Quo will preserve the current regulatory requirements for Equivalent Access.

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[2] https://humanrights.gov.au/our-work/disability-rights/publications/guidelines-equivalent-access-under-disability-standards

[3] https://humanrights.gov.au/our-work/disability-rights/guidelines-application-premises-standards

2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Options are clear but not fully supported.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

In Queensland the Equivalent Access process is used for part or all of most medium to large transport projects. The Queensland government has signed off on the Forde Inquiry recommendations and committed to full and credible consultation on all projects[4]. If this is not the case in other jurisdictions, then the barriers appear to be purely attitudinal.

4. Have you been involved in developing equivalent access solutions? Have these been successful?

The disability sector in Queensland has been involved in innumerable Equivalent Access processes, most of which led to very satisfactory outcomes. This has always been based on the mutual trust and respect between the disability sector subject matter experts and the Development Authority or jurisdiction.

5. Does Transport Standards section 33.3 Equivalent access, provide sufficient clarity and guidance in relation to consultation requirements?

Section 33.3 is vague, which has pros and cons. If disability sector representatives are able to co-design the terms of reference for an equivalent Access process it is highly beneficial. If a process is thrust upon them it may have quite negative outcomes.

A co-designed understanding of what constitutes an accessible equivalent outcome must be reached prior to procurement and or design. Once this understanding is achieved the project is able to produce often outstanding results. Designers and tenderers can then base their design proposals on the success criteria agreed in the co-design process.

6. The proposed performance solutions process (regulatory option) involves professional certifiers signing-off alternative access proposals. What qualifications and / or attributes should certifiers possess before they undertake this work?

From experience, access consultants engaged on transport projects are educated by the Accessibility Reference Groups. No accredited access consultant can match the combined wisdom, experience and technical knowledge of a competent and well represented ARG. Some of the ARG members are co-authors of the documents and Standards that the access consultant must refer to.

A qualified certifier of an Equivalent access process would not necessarily need the skills of an access consultant but should be able to demonstrate that a fair co-design process had been followed. It would be the process rather than the outcome that was certified. An understanding of human rights and valid legal process would seem to be a prerequisite rather than just a Certificate IV in access consulting. Qualification should be at least a bachelor degree from an Australian university.

[4] https://www.traininquiryngr.qld.gov.au/assets/custom/docs/government-response-to-final-report.pdf

The skill of access consultants varies. Many are highly competent and understand the access needs of people with a disability and the human rights context of accessible services. Others have a good knowledge of Standards but little first-hand experience of how effective these Standards are in meeting the needs of people with a disability. This lack of knowledge and understanding, and the resulting temptation to mechanically implement prescriptive solutions, will greatly impede their capacity to judge if an outcome is truly equivalent.

The 'elephant in the room' will always be industry capture of regulators. This is a phenomenon that afflicts multiple industries. Access consultants, along with consultants in general, work for industry or a jurisdiction. The economic dependence of this arrangement colours the thinking of some consultants and certifiers.

This is 'colouring of thinking' is exemplified by the plague of private certification failures afflicting the construction industry[5].[6] [7]. The federal, state and territory Building ministers commissioned Peter Shergold and Bronwyn Weir in mid-2017 to assess the effectiveness of building and construction industry regulation across Australia. They presented their Building Confidence report to the ministers in February 2018[8]. An excerpt from *Recommendation 9—Integrity of private building surveyors*, reads:

> Building approval systems in all jurisdictions rely on certification by private building surveyors. Even in jurisdictions in which building approvals are issued by local government, private building surveyors or other registered practitioners can issue certificates. Legally, they can be relied on by local government without the need for substantive review when issuing the final approval.
>
> Consequently, in all jurisdictions, private building surveyors have a direct commercial relationship with designers, owners and builders. They depend on them for their financial viability. This makes them susceptible to the interests of their client in ways which may not always align with the public interest. They make decisions independent of government with limited substantive review. As a result, conflicts of interest are inherent in all compliance and enforcement systems across Australia.
>
> Most jurisdictions have legislated controls to mitigate conflicts of interest. However, there is substantial variation across jurisdictions. In some instances, the controls are open to broad interpretation, making them difficult to enforce.

To paraphrase Shergold and Weir, 'He who pays the piper calls the tune'. It would be most unfortunate if a similar situation arose in the certification of Equivalent Access solutions by access consultants.

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[5] https://www.abc.net.au/news/2019-08-18/how-bad-could-the-apartment-building-crisis-be-in-your-state/11413122

[6] https://newsroom.unsw.edu.au/news/art-architecture-design/would-you-buy-new-apartment-building-confidence-depends-ending-blame

[7] https://www.smh.com.au/national/nsw/most-risky-certifiers-of-nsw-apartment-buildings-in-watchdog-s-sights-20210825-p58lp5.html

[8] https://www.industry.gov.au/sites/default/files/July%202018/document/pdf/building_ministers_forum_expert_assessment_-_building_confidence.pdf

Access consultants do have a part to play in any transport related projects. The part should be strictly advisory and their financial relationship with their employer openly acknowledged.

### 7. What has been your experience applying equivalent access solutions?

In Queensland the experience of implementing Equivalent Access solutions has been overwhelmingly positive. People with disabilities unerringly know what does or doesn't work for them, whether DSAPT compliant or not. A highly competent cadre of subject matter experts who have disabilities has emerged in Queensland over the last decade or so. Operators and providers trust and respect these people and include them in various project working groups or accessibility working groups. It is only in instances of where design preceded consultation, such as the NGR train, that any issues have emerged.

### 8. Would you accept alternative accessible solutions if the development of proposed solutions included adequate consultation and participation with the disability community?

Nothing short of co-design is acceptable. Consultation can be undertaken, and the results ignored. People with a disability must be part of any process from concept to completion.

### 9. Do you currently use the equivalent access provision provided at Transport Standards: section 33.3 Equivalent access?

The current Section 33.3 is extensively used in major infrastructure and rollingstock projects. It is used to both justify exceeding or improving on the DSAPT prescriptive requirements, using better more contemporary Australian Standards, or finding ways to overcome operational or technical difficulties in existing assets.

Rail infrastructure and rollingstock projects have incorporated co-design and by default Section 33.3. This has led to excellent outcomes that satisfy all parties.

Section 33.3 is less used by small operators who may not even be aware of it.

## 3. Rideshare

### Consultation questions

### 1. What has been your experience accessing rideshare services?

Despite offering an equivalent service to the taxi industry rideshare does not have the same DSAPT obligations. Consequently, people who struggle with digital booking and payments and those whose mobility aids such as wheelchairs, and particularly power wheelchairs, can seldom if ever receive a service. This is highly discriminatory.

### a. How would your experience change if the Transport Standards were amended to explicitly include rideshare services, including the vehicle fleet and booking platforms and rideshare providers complied with those requirements?

The change would be profound in that people currently excluded from rideshare services would at least receive services equivalent to those provided by the taxi industry.

Changes should also include payment methods as some people struggle with the concept of digital payments or have no easy access to them. In some countries it is permitted to pay for an Uber ride with cash. This is in nations whose people have a distrust of digital payment or no easy access to digital payment systems. An FAQ on the Uber web site reads[9]:

> Can I pay for Uber with cash?
> Yes, you can pay with cash. Before requesting a ride, go to the Payment section in the app and select 'Cash'. At the end of your trip, pay cash directly to your driver. This is available in select markets.

2. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

The regulatory option accompanied by explanatory guidance is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

3. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both options are clear in what they require or recommend. However, as previously stated non-regulatory advice can be ignored with impunity.

4. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

The main challenge to regulation would be in the way the rideshare industry regards its drivers. They are deemed individual contractors rather than drivers within a fleet. This may require regulatory changes to allow better regulation of what has been to date an industry operating on its own terms.

5. Does a lack of clarity about whether rideshare services, such as Uber, are required to comply with the Transport Standards, contribute to people experiencing discrimination?

This is precisely the reason for discriminatory service provision. Until rideshare is incorporated into the DSAPT it will continue to provide a public transport service on its own terms rather than for the public good.

## 4. Dedicated school buses

### Consultation questions

1. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

The regulatory option accompanied by explanatory guidance is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

Regulatory Option 2 is supported as it gives important discretion for school bus operators in rural and remote areas and is more practicably achievable.

[9] https://www.uber.com/br/en/ride/how-it-works/uber-cash/#:~:text=Yes%2C%20you%20can%20pay%20with,is%20available%20in%20select%20markets.

2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both the Regulatory and Non-regulatory option are clear.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Because many new metropolitan school buses are already low floor[10] there would seem to be challenges only in those areas that required a high floor bus. Regulatory option 2 deals with this issue rather elegantly.

4. In your experience, does your school transport system adequately meet the needs of children with disability?

Those school buses that are low floor and accessible meet the needs of children with a disability to the same degree as the general low floor route buses. High floor school buses exclude students with mobility aids unless they have lifts fitted.

a. What impact does this have on your child and your family?

Inaccessible high floor buses force children into a paratransit situation using taxis or they place undue burden on parents who must transport the children to school and back each day.

b. How could the school transport system be improved?

As per the DSAPT reform proposal, dedicated school buses should be incorporated into the DSAPT.

c. Do dedicated school bus exemptions in the Transport Standards result in discriminatory outcomes for students with disability?

Operators who have voluntarily acquired low floor buses have successfully integrated most students into the school transport system. They are to be commended. Other operators can continue to lawfully exclude certain students from transport systems based on their disability. This flies in the face of the Objects of the DDA.

6. Which exemptions (if any) should be removed to remove for dedicated school buses?

All exemptions should be removed but with the caveats for high floor buses in rural and remote communities.

7. How do you ensure that students with disability are able to travel to and from school using accessible public transport:

a. in metropolitan areas?

All new school buses must be DSAPT compliant and a schedule with target dates for compliance be developed for existing buses.

b. in rural / regional areas?

The regulatory option 2 seems to accommodate the rural and remote issues reasonably well. Small rural and remote schools, many with less than 50 pupils, may not have any demand for an accessible school bus. They would routinely use a high floor minibus such as a Toyota Coaster. A low floor route bus may not be appropriate for the roads, would be a gross over-capitalisation and would have a carrying capacity well in excess of some small rural schools' total student enrolment. Should the need for an

[10] https://bustechgroup.com.au/locally-manufactured-hybrid-school-buses/

accessible service arise though, the processes developed in each jurisdiction to deliver an accessible bus can then be triggered.

## 5. Better communication of accessibility features

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

The Regulatory option is supported as it gives the public a nationally consistent compliance benchmark. If the benchmark is not achieved the public has a stronger case in complaint or advocacy. Guidance is useful but it is harder to sustain a complaint against failure to provide products that meet the guidance benchmark. Also, jurisdictions and operators may choose to introduce their own variations to what is only guidance. This would nullify the usefulness of the information to the degree that the variations introduced inconsistencies.

Ultimately, compliance with DSAPT is reliant on public complaint as there are no penalties for non-compliance unless a member of the public lodges a complaint. This is difficult enough with a regulatory option and near impossible when only guidance is offered.

Also, having data for reporting to the United Nations on CRPD implementation would be assisted by nationally consistent regulations that required jurisdictions and operators to periodically report to the Commonwealth and to the public on the accessibility of services and products.

#### 2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The various accessibility features that would be included in a regulatory and non-regulatory option must be further negotiated. Notably, the option did not mention any fare payment systems, with their rather complex hardware and software.

#### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

No doubt there would be many challenges to agreement how best to define accessibility features. People with disabilities are not a homogenous block. A facility that is very accessible for a person who was able bodied but Deaf might be inaccessible to a person who had a mobility or vision impairment and *vice versa*. Jurisdictions already have many definitions and may be disinclined to move away from these. These difficulties notwithstanding, a nationally agreed set of definitions and the process to reach them are strongly supported.

#### 4. In your experience, has the communication of accessibility features been effective?

In planning journeys people with disability continue to be frustrated by lack of information, inaccurate information, misleading information, and information that is inconsistent between modalities and jurisdictions. In that every step of a journey must be planned, and a single barrier terminates the entire journey, consistent and reliable information is paramount. Without this people will be disinclined to risk public transport travel.

### 5. How do you define the term 'accessible'?

An accessible service or facility must be able to provide all passengers the same level of amenity, availability, comfort, convenience, dignity, price, and safety.

The CRIS makes a valid point on not rushing to final definitions, but rather coming on a nationally accepted position on what the terms will mean:

> Final details of the national consistent terminology for accessibility must be developed through a consultation process with state and territory governments, operators and providers, and the disability community.

However 'accessible' is ultimately defined, it must reflect the principles espoused in the UN Convention on the Rights of Persons with a Disability and align with the objects of the Disability Discrimination Act 1992:

> **3 Objects**
> The objects of this Act are:
> (a) to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:
> (i) work, accommodation, education, access to premises, clubs, and sport; and
> (ii) the provision of goods, facilities, services, and land; and
> (iii) existing laws; and
> (iv) the administration of Commonwealth laws and programs; and
> (b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and
> (c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

### 6. What accessibility terms work for all modes to best communicate accessibility, noting that scenarios/locations can change the level of accessibility?

Whatever the terms are, whether as simplistic as 'accessible', 'accessible with assistance' or 'not accessible' or a far more complicated technical description of the facilities and features, they will need to be nationally agreed and nationally consistent. This is best achieved through the co-design process described in the CRIS.

The regulatory and non-regulatory options list a number features that should have accessibility descriptions. These and any others identified should be included in the co-design process.

## 6. Timely provision of information

### Consultation questions

### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is strongly supported as it gives right of complaint for non-compliance. Also, it would seem to be the only lawful option. Article 21 of the CRPD binds State Parties:

> **Article 21**
>
> *Freedom of expression and opinion, and access to information*
>
> States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis

with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

(*a*) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;

### 2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The regulatory option would ensure that an existing DSAPT right was fulfilled in a manner that satisfied the CRPD. This would still mean delays in receiving information, but these delays would be minimised.

A non-regulatory option may not have much impact as compliance with the guidance would not be mandatory. This would leave little room for effective complaint.

### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

There are no significant challenges to implementing a regulatory option. The means of producing and supplying information in a person's preferred format already exist. There would of course be an establishment phase when the processes were put in place that may initially challenge some smaller operators. But, once the production and delivery of materials in a timely manner becomes part of standard process it will impose zero hardship upon operators and providers.

### 4. In your experience, has accessible public transport information been provided in a timely manner?

People who require service-related information in alternate formats have a right to request this under present DSAPT provisions, but there are no timeframes associated with this provision. This can result in people receiving information late or with little time to plan or respond.

### 5. Do you get requests for service-related information in formats that are not readily available? If so, how is this managed until the preferred format request for information has been fulfilled?

Operators and providers do get request for information in formats that are not readily available. The requests are infrequent though. Disability sector representatives and people with disability report that these requests are usually poorly handled—not in every case but in most cases. Staff are often unaware of how to fulfill the request and therefore state that it is not possible to provide the information in the format requested. This places the onus on the person requesting the information to explain how the information can be sourced and provided. Even when subsequently provided it will seldom be in a timely manner.

## 7. Real time communication

### Consultation questions

### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

The regulatory option accompanied by explanatory guidance is supported. Regulatory options provide a compliance benchmark that can be used in

the event of complaint. Guidance is only followed at the discretion of the operator or provider.

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both options provide good, performance-based solutions that could evolve as technologies emerged or became affordable. If implemented well, preferably via a co-design process, the options would provide a workable real time communication system suitable for a wide range of people with disabilities.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Most of the necessary technology for real time communication exists currently. It is a matter in most cases of deploying the appropriate human and technical systems rather than facing technical challenges.

Some technology, such as Auslan avatars, is becoming available but is not yet a fully mature product. Strong electrical fields from overhead wires may limit the effectiveness of magnetic induction loop hearing augmentation systems in some locations.

Direct assistance will overcome many of the technological shortcomings.

Reference to solutions from jurisdictions that have regulated real time communication should be considered. For example, *DIRECTIVE (EU) 2019/882 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 on the accessibility requirements for products and services*[11] reads:

> (32) In the context of air, bus, rail and waterborne passenger transport services this Directive should cover, inter alia, the delivery of transport service information including real-time travel information through websites, mobile device-based services, interactive information screens and interactive self-service terminals, required by passengers with disabilities in order to travel. This could include information about the service provider's passenger transport products and services, pre-journey information, information during the journey and information provided when a service is cancelled, or its departure is delayed. Other elements of information could also include information on prices and promotions.

4. In your experience, have you been able to effectively communicate with public transport staff and operators in real-time?

The availability of real time communication varies between operators and modalities. It can also vary within modalities depending on the passenger's disability. For example, many rail carriages' allocated spaces have communication devices that allow passengers to contact drivers or guards regarding service-related matters or changes to destination. Few of these devices will have magnetic induction loops allowing hearing aid users whose aids have telecoil switches to hear what is being said. None will have a means for a Deaf person to communicate with staff. A similar situation occurs with platform-based help / assistance phones at unstaffed stations.

[11] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L0882&from=EN

Allocated spaces and priority seats in buses seldom have any communication device other than a call button to alert the driver that a person wishes to alight. This limits a passenger's ability to inform the driver of changed circumstances.

For people who have vision impairments hailing services such as buses is challenging, especially at bus stations and interchanges that have multiple services pulling in and out at peak times. On-demand buses, taxis and rideshare can be booked, but most route buses do not have systems for alerting drivers that a passenger with a disability who cannot hail is at a particular stop and is waiting for a particular service. This is a disincentive to bus travel and pushes people to more expensive travel options.

#### 5. Are there particular points of a public transport journey where real time communication is most important? If so, what are those points?

All points of a public transport journey require real time communication. The importance of any stage of the journey will vary depending on the passenger's disability. For example, people with vision impairment must be able to hail their bus or know that the train pulling in is their service. Equally they must be able to know that their intended stop has been reached. People with mobility impairments who need assistance to board or alight must be able to communicate this.

## 8. Passenger location during journey

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why? If you prefer the regulatory option, which sub-option do you prefer? Why?

The regulatory option accompanied by explanatory guidance is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

#### 2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The non-regulatory option is weak and may not offer sufficient specific guidance. It does cite direct assistance though which is absent from the regulatory option.

The regulatory option is stronger. It ensures audio visual communication of next stop and location as a minimum. Further, it informs passengers of which door or gate will be used for alighting, which is significant for people with vision impairment.

Of the two sub-options Sub-option 2 is preferred. People who are Deaf or hard of hearing may be otherwise in robust health and disinclined to occupy priority seats. These passengers have an existing right to information on location and this can be fulfilled through being able to view passenger information displays from any seat. Many rail and light rail carriages currently have displays that meet this criterion, as do some buses and ferries.

In smaller conveyances such as taxis, rideshare or minibuses next stop information via direct driver assistance may be more appropriate than displays or PA system announcements. A note to this effect as per the non-regulatory option might be added to the DSAPT Section.

### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

The technology for next stop announcements is mature. Many conveyances already have such systems. All 9,300 Transport for London buses have had next stop announcements since 2009[12]. Qld Rail CityTrains have featured audio-visual passenger information displays for over a decade. There are no technical barriers for implementation.

### 4. In your experience, have you been able to access arrival and next stop information when using public transport in ways that best meet your needs?

Passengers who are unable to see external landmarks may miss their stop if next stops are not announced. Likewise, people who are unable to hear announcements of next stop may miss their stop if stops are not displayed. While smartphone apps are useful, they can fail, and they consume the passenger's data and battery power. Further, there is a cohort of passengers who either do not have smartphones or who are not skilled in their use.

Disability advocates have been calling for next stop audio-visual announcements for some time. They are regarded as an essential service. A celebrated court case confirmed the importance of next stop announcements and found their non-provision to be discriminatory[13].

## 9. Hearing augmentation on conveyances

### Consultation questions

### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

The regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

### 2. If you prefer the regulatory option, which sub-options do you prefer? Why?

Option 1 with an installed induction loop system providing 100% cover is supported. Option 2 defaults to 'If a public address system is in operation'. This would permit an operator to switch off the system with impunity.

The reference change to AS1428.5 (2021) *Design for access and mobility, Part 5: Communication for people who are deaf or hearing impaired, Section 3.2* is supported.

[12] https://tfl.gov.uk/info-for/media/press-releases/2019/april/ten-years-of-tfl-s-ibus-has-given-greater-independence-to-customers-with-hearing-or-visual-impairments
[13] https://piac.asn.au/projects/discrimination/graeme-innes-audible-on-train-announcements/

3. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

If implemented, the supported regulatory option and sub-option provide sufficient clarity to ensure people with disability would be able to access public transport without discrimination.

4. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

In conveyances that are not affected by field interference from overhead wires there are no technical issues[14]. The University of Melbourne provides an overview of hearing loops on trains and buses[15]. Brisbane's CityCat ferries have had 100% hearing augmentation coverage for over a decade[16]. Waratah train cars appear to have 100% coverage as do the latest Metrobus school buses[17]. The Brisbane Metro bi-articulated bus will have hearing loop coverage in all its compartments according to the 'Accessibility Features' section of the webpage[18].

Where there are any technical issues in providing 100% cover or interference from overhead wires these can be dealt with via Equivalent Access or Unjustifiable Hardship.

5. In your experience, have hearing augmentation systems on public transport conveyances been adequately accessible?

PA system announcements are an important part of a public transport journey. They include next stop announcements, service disruption and alteration announcements and public safety announcements. Of these, only the next stop announcements are easily displayed in visual format on passenger information displays. In general, the hearing augmentation, even when provided has been inadequate.

People who have a moderate to severe loss of hearing will usually have a hearing aid that incorporates a telecoil switch. These hearing aids can pick up any message broadcast over a PA system that has an associated magnetic induction loop. Hearing aids will pick up all sounds without discrimination and so the capacity of the telecoil switch to block ambient noise while clearly hearing the message broadcast on the PA system is of great benefit. Unfortunately, this point has been lost on many operators, who continue to provide audio information without a hearing augmentation option and in the case of intercoms without a visual option.

[14] http://www.y-sense.com/products/transport-induction-loop/
[15] https://www.unimelb.edu.au/accessibility/hearing-loops-demystified/hearing-loop-solutions#
[16] https://www.brisbane.qld.gov.au/traffic-and-transport/public-transport/citycat-and-ferry-services/citycat-features-and-accessibility
[17] https://bustechgroup.com.au/locally-manufactured-hybrid-school-buses/
[18] https://www.brisbane.qld.gov.au/traffic-and-transport/public-transport/brisbane-metro/the-metro

| | |
|---|---|
| Hearing loop sign indicating 100% coverage in Waratah rail car.<br>  <br> | Hearing loop sign indicating 100% coverage n CityCat ferry.<br>  |
| Hearing loop sign indicating 100% coverage in Metrobus school bus.<br>  <br> | |

## 10. Hearing augmentation: infrastructure and premises

### Consultation questions

1. What is your preferred option: status quo, non-regulatory or regulatory option? Why? If you prefer the regulatory proposal, which option do you prefer? Why?

The regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

Option 1 is preferred as it gives spatial targets for coverage of the system that must be met. Site constraints can be dealt with via Equivalent Access or Unjustifiable Hardship.

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

If implemented, the supported regulatory option and option 1 provide sufficient clarity to ensure people with disability would be able to access public transport without discrimination.

### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implantation of the requirements of any option?

Electrical fields may at times interfere with magnetic induction loop systems. Design work on legacy rail stations being upgraded in Brisbane suggests though that even at 100-year-old rail stations at least 60% coverage can be achieved. An excerpt from a Cross River Rail Accessibility brochure[19] describing work at legacy stations undertakes to provide:

> Increased Hearing Aid Loop (HAL) coverage, including at ticket window, accessible toilet and core zone.

New stations could no doubt reach 80% coverage by the hearing augmentation system. At infrastructure such as bus interchanges that had no overhead powerlines 100% coverage is possible.

### 4. Do hearing augmentation systems in public transport infrastructure or premises have sufficient area coverage?

The current minimum of 10% of the area covered by the PA system is usually the most that is provided, if it is provided at all. This is manifestly inadequate given the far more generous requirements of the Premises Standards for hearing augmentation systems.

## 11. Print size and format

### Consultation questions

### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

The regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

### 2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both options are clear in what they require or recommend. However, as previously stated non-regulatory advice can be ignored with impunity.

The CRIS mentions the *Round Table on Information Access for People with Print Disabilities* (Round Table) and its *Guidelines for Producing Clear Print*[20]. This is a very highly regarded publication and should be referred to in the Guidance section of the Regulatory option.

### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

It is hard to imagine any constraints to formatting a document that complies with the regulatory option. Cost difference between Status Quo and Regulation would be infinitesimally small. The bold or semi-bold font weight will consume more ink but given the number of documents produced in Large Print this difference can be ignored as irrelevant.

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[19] https://cross-river-rail.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2021/12/21105757/Accessibility-brochure.docx

[20] https://printdisability.org/wp-content/uploads/2013/09/round_table_-clear_print_guidelines-PDF.pdf

#### 4. What has been your experience reading signs in a public transport context? Have you been unable to read a sign due to letter height and/or formatting?

The question mentions signs, but Section 27.3 refers to large print documents not signs.

People already have a right to general information about transport services in Section 27.1. Section 27.3 provides specifications for large print:

> (1) Large print format type size must be at least 18-point sans serif characters.
>
> (2) Copy must be black on a light background.

While useful, these specifications fall well short of what is now regarded as good practice. People who rely on large print are therefore disadvantaged and possibly misinformed as they read material that complies with Section 27.3 but is not as legible as it should have been.

## 12. International symbol for access and deafness

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why? If you prefer the regulatory option, which sub-option do you prefer? Why?

The regulatory option is supported with considerable reservation. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

Neither sub-option in the Regulatory option is satisfactory.

#### 2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Updating references to harmonise with the Premises Standards is supported.

Neither sub-option in the Regulatory option is satisfactory. Table 1 of AS1428.2 gives two contradictory sizes for viewing distances of >18 m and unfortunately Regulatory Sub-option 1 cannot resolve this adequately. The Guidance section of the Regulatory option seeks to remove the ambiguity, but is only guidance, not a requirement.

Sub-option 2 only specifies the minimum size of the symbol and then leaves any larger sizes to the discretion of the designer. Once again, guidance is offered but this may not be followed.

Quoting material derived directly from AS142.2 Table 1 would potentially introduce copyright issues. This may require consideration.

Further work is required to identify appropriate sizes for symbols. The work should account for illumination, viewing distance and movement of the symbol (e.g. located on a conveyance's accessible entrance door) or viewer (e.g. moving in a crowd along an access path or observing a platform from a moving conveyance).

### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

There are no foreseeable challenges to implementing the options proposed in the CRIS. Resources to support the research recommended above would be required.

### 4. Have you experienced any issues with the current use and identification of the international symbols for accessibility and deafness on signs?

Symbol size required by the DSAPT is regarded by many as inadequate.

People with low vision or cognitive disabilities benefit from having larger symbols prominently displayed. Appropriate size depends on viewing distance and the time available to recognise the symbol. Symbols may be viewed from a moving conveyance or located on a moving conveyance. This imposes constraints not evident when testing symbol size in static locations.

## 13. Letter heights and luminance contrast of signs

### Consultation questions

### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why? If you prefer the regulatory proposal, which option do you prefer? Why?

A regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

However, the regulatory options offered are not fully supported as neither delivers a satisfactory outcome.

### 2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Neither sub-option of Option 2 can be supported. Neither improve on the Status Quo. In fact, the formula proposed in the guidance material for Option 2 gives character heights slightly inferior to the current DSAPT minimum. This is not acceptable.

The Americans with Disabilities Act (ADA) *Standards for Transportation Facilities*[21] adopted by the U.S. Department of Transportation (2006) gives an acceptable minimum for sign letters and characters in Table 703.5.5. Presumably Americans and Australians who have poor or low vision would have similar legibility needs when reading signs and the ADA requirements should be incorporated into the DSAPT

| **Viewing distance** | **AS1428.2 Table2** | **Option 2 Viewing Distance (in metres) x 3** | **ADA Table 703.5.5 Visual Character Height** |
|---|---|---|---|
| 2 m | 6 mm | 6 mm | 16 mm at 1780 mm |
| 6 m | 20 mm | 18 mm | 75 mm at 6400 mm |
| 12 m | 40 mm | 36 mm | 134 mm |

[21] https://www.access-board.gov/files/ada/ADAdotstandards.pdf

| | | | |
|---|---|---|---|
| 25 m | 80 mm | 75 mm | 270 mm |

| | |
|---|---|
| Text and symbols of appropriate size, Queen Street bus station lift.<br>  <br> | |

Stroke width and weight are not dealt with in the options on offer. Neither is text justification. These are oversights that should be corrected as they affect legibility. The Round Table *Guidelines for Producing Clear Print*[22] are recommended as a good source for advisory or regulatory specifications for legibility.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

The only challenge in moving to a larger minimum letter height would be a decrease in the amount of information available per unit area of each sign. This is not a major issue. A phased replacement of existing signs would have a small to modest budgetary impact.

4. Do standards outlining type and luminance contrast for static, non-braille and non-tactile signs lack clarity? What has been your experience navigating these standards?

The current DSAPT requirements for letter heights on signs are inadequate for most people who have less than 'normal' visual acuity. At 2 m distance a 6 mm high letter is hardly legible for many. This Section of the DSAPT needs reform to give appropriate character sizes at various distance for people with poor or low vision.

[22] https://printdisability.org/wp-content/uploads/2013/09/round_table_-clear_print_guidelines-PDF.pdf

Contrast of text and characters also needs revision. The current requirement of not less than 30% contrast between characters and their background may be appropriate for large characters but is inadequate for small characters. These require a stronger contrast. This is recognised in AS1428.4.1 where large integrated TGSIs must contrast by ≥30%, small discrete TGSIs must contrast by ≥45% and if discrete TGSIs have two colours or materials the contrast is ≥60% (Clause 2.2).

For screen based text this increase contrast of smaller text is a success criterion of the WCAG 2.0 Guidelines[23].

> The visual presentation of text and images of text has a contrast ratio of at least 4.5:1, except for the following:
>
> > Large Text: Large-scale text and images of large-scale text have a contrast ratio of at least 3:1;
>
> A contrast ratio of 3:1 is the minimum level recommended by [[ISO-9241-3]] and [[ANSI-HFES-100-1988]] for standard text and vision. The 4.5:1 ratio is used in this provision to account for the loss in contrast that results from moderately low visual acuity, congenital or acquired color deficiencies, or the loss of contrast sensitivity that typically accompanies aging.
>
> The rationale is based on a) adoption of the 3:1 contrast ratio for minimum acceptable contrast for normal observers, in the ANSI standard, and b) the empirical finding that in the population, visual acuity of 20/40 is associated with a contrast sensitivity loss of roughly 1.5 [[ARDITI-FAYE]]. A user with 20/40 would thus require a contrast ratio of 3 * 1.5 = 4.5 to 1. Following analogous empirical findings and the same logic, the user with 20/80 visual acuity would require contrast of about 7:1.
>
> The contrast ratio of 4.5:1 was chosen for level AA because it compensated for the loss in contrast sensitivity usually experienced by users with vision loss equivalent to approximately 20/40 vision. (20/40 calculates to approximately 4.5:1.) 20/40 is commonly reported as typical visual acuity of elders at roughly age 80. [[GITTINGS-FOZARD]]
>
> The contrast ratio of 7:1 was chosen for level AAA because it compensated for the loss in contrast sensitivity usually experienced by users with vision loss equivalent to approximately 20/80 vision. People with more than this degree of vision loss usually use assistive technologies to access their content (and the assistive technologies usually have contrast enhancing, as well as magnification capability built into them). The 7:1 level therefore generally provides compensation for the loss in contrast sensitivity experienced by users with low vision who do not use assistive technology and provides contrast enhancement for color deficiency as well.

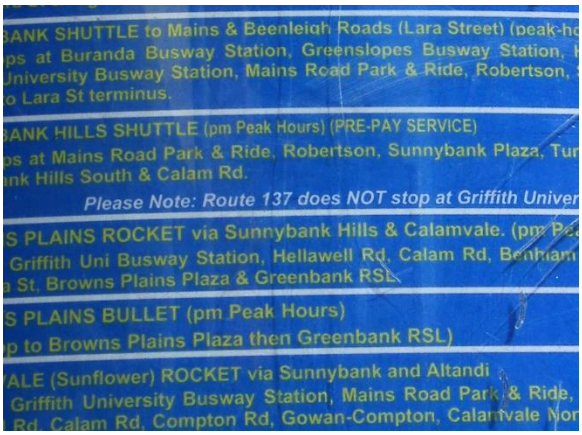
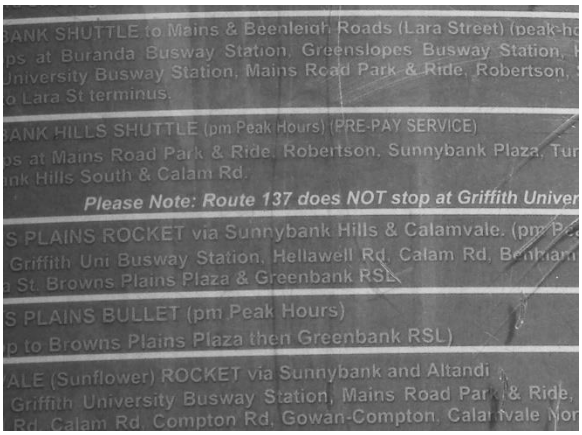
In addition to letter height and luminance contrast a letter's stroke weight and width must also be considered as per the Round Table advice on the matter.

Finally, a glossy sign surface will make the sign illegible at certain angles. Matt finish for sign surfaces must be a requirement.

### 5. Have you experienced difficulty reading static, non-braille and non-tactile signs in a public transport context? How did this impact your public transport journey?

Signs with glossy surfaces, small print, or poor contrast of print to background are all too common. The examples below illustrate the point.

[23] https://www.w3.org/WAI/WCAG21/Understanding/contrast-minimum.html

| | |
|---|---|
| Glossy signs at Roma Street bus station.<br>  | Bus stop blade with route details in small print.<br>  |
| Colour rendition of Stop 48 text showing adequate colour contrast between yellow text and blue background.<br>  | Desaturated rendition of Stop 48 text showing poor luminance contrast between yellow text and blue background.<br>  |

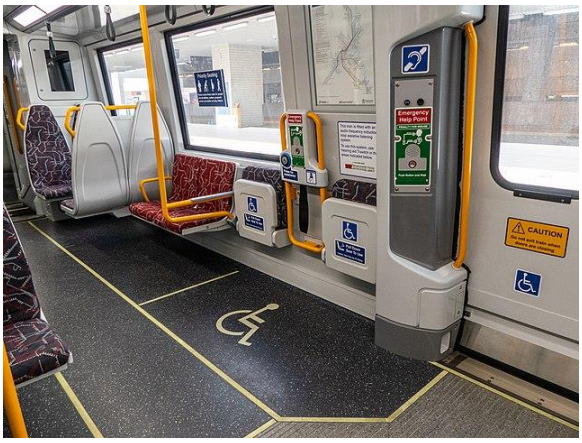
## 14. Location of signs

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why? If you prefer the regulatory proposal, which sub-option do you prefer? Why?

A regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

Sub-option 1 is preferred over sub-option 2. Both allow the same range but sub-option 2 has a stated range of 1600-1400 mm above finished floor with a concession to allow signs down to 1000 mm if the 1600-1400 mm space is taken. Many signs, particularly in conveyances, may need to be placed on available surfaces and in proximity to the facility or feature they identify. Sub-option 2 lacks the flexibility to allow this.

| | |
|---|---|
| Signs at variable heights in rail car.<br>  | Signs at variable heights in rail car.<br>  |
| Signs at variable heights in rail car.<br>  | Signs at variable heights in rail car.<br>  |

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The regulatory option is useful but would benefit from advice or requirement to locate wayfinding signs both prior to and at decision points. People should be informed of a change of direction prior to reaching it in order to permit passenger flow at peak times.

Advice should also be provided regarding locating signs so that they will not be compromised by glare. Light behind a sign or falling on the sign at an angle that reflects into passengers' eyes will greatly diminish the legibility of the sign.

Designers seem to sometimes fall into the trap of finding good sightlines for signs in empty conveyances, premises, and infrastructure. This can mean that at times of peak service signs are obscured by people standing or moving. For people seated in wheeled mobility devices or people of short stature this can mean signs are missed. Guidance on designing for maximum visibility at crowded times rather than when locations are empty is required.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

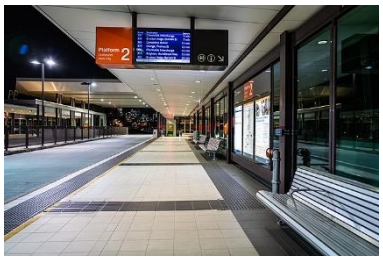
There would seem to be few challenges beyond those that currently apply to signs on conveyances and in premises and infrastructure.

4. In your experience have the standards for sign location lacked clarity?

The current DSAPT requirements for signs in Sections 17.2 and 17.4 are useful but can be improved upon. Signs are sometimes located inappropriately despite being in the specified range. This can lead to them being obscured at peak times or overlooked through not being located in a logical field of view. The lighting regime must also be considered if glare is to be minimised.

5. What is you experience using signs in the public transport context? Has the location of signs impacted your ability to access public transport services?

As always, the situation is mixed. In many instances signs are well located and easily legible. Others may be in obscure locations or located amidst a jumble of signs, controls and other instructional clutter that overpowers the passenger in the brief time that they have to read all the material. This informational clutter is overwhelming for many passengers, particularly those with intellectual or cognitive disabilities, and for neurodiverse people who experience anxiety, or sensory hypersensitivity.

| | | |
|---|---|---|
| Plethora of signs on the New Generation Rollingstock.<br>  | Plethora of signs on the New Generation Rollingstock.<br>  | Clear wayfinding and information signage RBWH bus station.<br>  |
| Clear wayfinding and information signage RBWH bus station.<br>  | Clear wayfinding and information signage RBWH bus station.<br>  | Clear wayfinding and information signage KGS bus station.<br>  |

## 15. Braille embossed (printed) specifications

### Consultation questions

1. What is your preferred option: status quo, non-regulatory or regulatory option? Why? If you prefer the regulatory proposal, which option do you prefer? Why?

A regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both the regulatory and non-regulatory options are well crafted and cover the subject adequately. Of note is the welcome guidance on timely provision of braille in contracted format, and on when to prepare braille copy for public distribution.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

There would not seem to be any challenges since the manner in which braille copy is to be provided will not add to cost or complexity.

4. What has been your experience accessing public transport information printed in brail (such as information pamphlets)?

Current DSAPT requirements for the provision of braille copy are entirely inadequate. Signs are covered (badly) but no regulation or guidance covers service-related publications in braille copy. Even with the best of intentions inappropriate practices will frustrate people who have every right to receive information in the format of their choice.

## 16. Braille and tactile lettering for signage

### Consultation questions

1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both the regulatory and non-regulatory options provide ample clarity for manufacturers, installers, and readers of braille / tactile signs.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

There will be no challenges, only relief. Most sign manufacturers produce braille / tactile signs in compliance with the Premises Standards and National Construction Code (NCC). Current DSAPT specifications are largely ignored or dealt with through Equivalent Access processes that allow compliance with the Premises Standards.

4. Have you experienced difficulty reading braille information provided to you by a public transport operator or provider?

Braille signs produced in compliance with DSAPT have a significantly different layout to signs produced in compliance with the Premises

Standards. This creates confusion for readers and adds cost to the production of signs for operators and providers.

## 17. Lifts: Braille and tactile information at lift landings

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

#### 2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both the regulatory and non-regulatory options provide ample clarity for manufacturers, installers, and readers of braille / tactile signs.

#### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Braille and tactile wayfinding signs are already being installed on lift door frames or adjacent to lift landing controls and doors. This has not been a technical challenge and adds minimal cost to operators and providers.

#### 4. What has been your experience of lift landing signs in lifts in the public transport environment?

People with vision impairment and particularly people with both vision and hearing impairment are often left without tactile wayfinding cues. This results in disorientation and a reluctance to use facilities with which they are not intimately familiar. Braille / tactile signs on lift door frames provide important cues and confirm that they are entering the correct lift and have arrived at the correct destination.

| Cultural Centre bus station lift braille / tactile sign, Brisbane | Roma Street bus station lift braille / tactile sign, Brisbane |
|---|---|
|  |  |

| Queen Street bus station lift braille / tactile sign, Brisbane | Queen Street bus station lift braille / tactile sign, Brisbane |
| --- | --- |
|   |   |

## 18. Lifts: Audible wayfinding

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory option 1 or 2, or regulatory option 1 or 2? Why?

A regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

Regulatory Option 1 is preferred as it gives designers a better understanding of the messaging required.

#### 2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both the Regulatory and Non-regulatory option are clear.

#### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

There are no technical challenges. Audio announcements in lift cars have been standard for over two decades. The technology is mature. Developing and recording appropriate wayfinding announcements in new and refurbished lifts will simply be a part of the installation process. Retrofitting messages to existing lifts will take time and come with labour costs.

#### 4. What has been your experience of automated audio announcements in lifts in the public transport environment?

Voice identification of landings with brief orientation messages will benefit all passengers who are not familiar with the stop or the precinct surrounding the stop. It would give people confidence to independently undertake journeys that otherwise might have been considered risky.

Transport for London buses announce next stops but in addition also announce places of interest (e.g. 'Next stop is XYZ, which is adjacent to St Paul's Cathedral'). This is for the benefit of all passengers, particularly visitors to London, who are not familiar with the precinct.

### 5. Have you experienced a situation where you have been unable to orient yourself or determine your location correctly?

Currently, the DSAPT (through AS1735.12-1999) does not require in-car voice identification of landings for passengers who have various vision or cognitive impairments if a lift serves two or three landings. The vast majority of DSAPT lifts serve only two or three landings and therefore have no requirement for in-car voice announcements of landings. This is not an issue for people intimately familiar with the stop and its precinct, but it is a major disincentive to travel for people not so familiar and who need wayfinding cues.

AS1735.12-2020 requires in-car voice announcement of all levels. While a vast improvement it does not require announce of wayfinding information for the surrounding precinct. The proposal for in-car voice information describing wayfinding within the stop and to the precinct immediately surrounding will be a huge benefit to people not able to see or comprehend wayfinding signs.

## 19. Lifts: Emergency communication systems in lift cars

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

#### 2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both options are clear enough and well-crafted.

#### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Modern lifts will largely conform to AS1735.12-2020 as this is a direct copy of European Standard EN 81-70:2018. Any lift imported from Europe or manufactured for the European market will comply with EN 81-70:2018. There will be no challenges for compliance with the reform in new lifts. Some existing lifts may not be able to be upgraded but can be replaced at the end of their service life.

#### 4. Have you experienced difficulty contacting staff or lift operators in an emergency? Would more accessible contact methods (text, augmented hearing system) have helped?

The current emergency communication systems in lift cars are discriminatory. They make no provision for passengers who have hearing or speech impairments. If stranded in a lift these people either have no way of communicating their predicament, nor way of hearing a response to their call, or both. As a matter of public safety this is unacceptable.

#### 5. What has been your, or your passengers, experience using the emergency buttons and communication devices in a public transport related lift?

People who have hearing impairments, are deaf or who are non-verbal are not able to use the emergency communication systems required by DSAPT through AS1735.12-1999. The Standard is obsolete and must be replaced by AS1735.12-2020.

## 20. Lifts: Reference for lift car communication and information systems

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

#### 2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both the Regulatory and Non-regulatory options are clear and well considered.

#### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

The reform only targets those lifts that have inbuilt PA systems connected to the transport node's PA system. These are likely to be newer lifts and therefore will be able to accommodate the reform with little difficulty. Old lifts not connected to the PA system will be unaffected.

#### 4. What has been your experience of verbal announcements in lift cars in a public transport related lift?

Passengers who wear hearing aids that have a telecoil are easily able to receive messages broadcast over a PA system if there is a magnetic induction hearing loop in service and signage indicates its presence and boundaries. DSAPT currently requires these induction loops in areas covered by PA systems but makes no mention of the lifts. If the PA system is active in the lift the lift must also have a magnetic induction system that allows people who have hearing aids equipped with telecoils to receive the same information as other passengers. This is a rights issue as much as a customer service issue and accords with the Guiding Principles[24] of the DSAPT reform process.

## 21. Information and communication technologies (ICT) procurement

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why? If you prefer the non-regulatory proposal, which option and sub-option do you prefer? Why? If you prefer the regulatory proposal, which option and sub-option do you prefer? Why?

A regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

Of the five regulatory options offered Option 5 is supported. By citing AS EN 301 549-2020 and WCAG 2.1 it incorporates success criteria for mobile technology that are missing from the now redundant WCAG 2.0. The importance of moving to WCAG 2.1 cannot be over emphasised given the ubiquity of mobile devices.

[24] https://www.infrastructure.gov.au/infrastructure-transport-vehicles/transport-accessibility/reform-disability-standards-accessible-public-transport-2002

Further, Option 5 requires AAA compliance which will ensure that audio-visual material incorporates Auslan interpretation for Deaf passengers and audio description for vision impaired customers. The AA option offered in Option 4 discriminates against these people by denying them full comprehension of audio-visual information.

### 2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

All options are clear but not all options are acceptable. Options that cite AS EN 301 549-2016 and WCAG 2.0 are now obsolete and no longer fit for purpose.

### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Those jurisdictions that have moved voluntarily to AS EN 301 549-2020 and WCAG 2.1 will be largely unaffected. A number of IT based projects in Queensland have done this. Only jurisdictions that have persisted with AS EN 301 549-2016 or who have not adopted it will find themselves disadvantaged.

### 4. What is your experience of using the ICT related hardware, services and software (for example website, smartphone app, digital information displays, touch screen technology, ticket machines, fare gates) provided by public transport operators and providers?

ICT hardware and software are foundational elements of a public transport service. No electronic fares and ticketing system can operate without both. Any online material is completely dependent on it. Too frequently, both hardware and software that excludes some people who have a disability has been procured. This can make everything from fare payment to journey planning difficult or impossible.

The Web Accessibility National Transition Strategy began in June of 2010. It cites WCAG 2.0 as the level of compliance. After 12 years WCAG 2.0 is obsolete. WCAG 2.0 predates most mobile technology and is no longer fit for purpose, being first published in 2008[25]. It cannot be included in any contemporary advice or regulation that seeks to make ICT products accessible.

## 22. Mobile web systems

### Consultation questions

### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why? If you prefer the regulatory proposal, which option do you prefer? Why?

A regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

Of the two regulatory options provided Option 1 is preferred but not fully supported. It leaves no ambiguity over which information should be accessible. All information should be accessible.

The option is not fully supported because it omits elements of WCAG 2.1 AAA that could easily be incorporated into regulation without imposing any

[25] https://www.w3.org/TR/WCAG20/

hardship. These easily achieved success criteria that should be cited in the DSAPT include:

**Success Criterion 1.2.6 Sign Language (Pre-recorded)** (Level AAA)
Sign language interpretation is provided for all pre-recorded audio content in synchronized media.

**Success Criterion 1.2.7 Extended Audio Description (Pre-recorded)** (Level AAA)
Where pauses in foreground audio are insufficient to allow audio descriptions to convey the sense of the video, extended audio description is provided for all pre-recorded video content in synchronized media.

**Success Criterion 1.4.6 Contrast (Enhanced)** (Level AAA)
The visual presentation of text and images of text has a contrast ratio of at least 7:1, except for the following:

- Large-scale text and images of large-scale text have a contrast ratio of at least 4.5:1;
- Text or images of text that are part of an inactive user interface component, that are pure decoration, that are not visible to anyone, or that are part of a picture that contains significant other visual content, have no contrast requirement.
- Text that is part of a logo or brand name has no contrast requirement.

**Success Criterion 1.4.8 Visual Presentation** (Level AAA)
For the visual presentation of blocks of text, a mechanism is available to achieve the following:

- Foreground and background colours can be selected by the user.
- Width is no more than 80 characters or glyphs (40 if CJK).
- Text is not justified (aligned to both the left and the right margins).
- Line spacing (leading) is at least space-and-a-half within paragraphs, and paragraph spacing is at least 1.5 times larger than the line spacing.
- Text can be resized without assistive technology up to 200 percent in a way that does not require the user to scroll horizontally to read a line of text on a full-screen window.

**Success Criterion 2.4.10 Section Headings** (Level AAA)
Section headings are used to organize the content.

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The options provided are clear but as stated above are not fully supported.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

There are no impediments to the implementation of WCAG 2.1 AA with sections of AAA cited as mandatory inclusions in DSAPT. Apps have a short service life so natural turnover will eliminate legacy apps.

4. Have you experienced difficulties or barriers accessing or navigating a public transport mobile website or application?

For people who have disabilities the accessibility of online material, and particularly material to be accessed by mobile technologies is lacking. Apps enter service without adequate user testing, or any testing, and then fail to offer accessible service to people who have various disabilities. Knowledgeable people with disabilities will then, often at their own expense, work with transport operators and providers to rectify the many issues—if the app architecture permits the necessary amendments.

App developers frequently have a poor grasp of WCAG or the rationale for accessibility. Regulation must drive the market. A credible standard for app accessibility should be part of every procurement process that involves app development. Without this the situation will not improve.

## 23. Accessible fare system elements

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why? If you prefer the regulatory proposal, which option and sub-options do you prefer? Why?

A regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

Option 3 is preferred as it gives the most accessible outcome. Of the sub-options the preferred Standards are:

- AS EN 301 549-2020
- WCAG 2.1 AA+ with all the listed success criteria.

Option 1 is partly performance based but unlike an Equivalent Access solution does not always have a prescriptive requirement against which performance must be calibrated. Arguably it is not an option that is able to be regulated.

#### 2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Options 2 and 3 are clear but Option 3 provides greatest clarity. Option 1 leaves too much to interpretation.

#### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Some or all of the elements of Option 3 are being met by current ticketing projects. There would seem to be no barriers to compliance in new projects. Legacy ticketing systems may have limited capacity for upgrade. Where this is the case a transition to a modern system may be the best option as the system reaches its service life.

#### 4. Do you, or your passengers, experience difficulty or higher costs in using public transport ticketing, fare payment or fare validation systems? If so, can you provide examples?

The current DSAPT requirements are dated and were never fully fit for purpose. There are now fare systems in operation that are not covered by DSAPT. Updating to contemporary standards will ensure that technologies that were undreamed of in the 1990s when the DSAPT was drafted are accessible to passengers who have disabilities.

## 24. Doors on access paths

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why? If you prefer the regulatory proposal, which option do you prefer? Why?

A regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

Of the options, Option 1 covering all doors, rather than just toilet doors as per Option 2, is preferred as it gives the broader safe and accessible outcome.

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Options are clear but unequal. Non-regulatory advice may not be followed despite clarity. The regulatory option (Option 2) covering only toilet doors will not cover the vast majority of doors that fall under the purview of DSAPT.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

In that the vast majority of conveyance doors are already operating in compliance with Option 1 there would seem to be few challenges to operators of conveyances beyond retrofitting the few legacy doors that were manually opened.

Away from conveyances, the regulatory option would only apply to *premises (except premises to which the Premises Standards apply), and infrastructure (except airports that do not accept regular public transport services)*. The number of doors affected by the regulatory Option 1 will be limited in number. Costs associated with retrofitting existing doors or installing new doors will be equally limited.

4. Have you, or your passengers, ever been in a situation while moving through a public transport conveyance, infrastructure or premises whereby you were not able to open an unlocked manual door or had great difficulty opening the door?

The issue is of greatest concern in premises and infrastructure. Most conveyances have doors that are automatic, power-assisted or staff operated.

Door closers can present significant barriers to people who have mobility impairments despite complying with relevant Australian Standards. Holding door leaves open while trying to simultaneously push a manual wheelchair through the door, whether by carer or occupant, is difficult. The task is even more difficult for people traveling alone and using power wheelchairs or mobility scooters.

Opening doors equipped with closers and that swing towards the wheelchair or scooter is even more difficult and potentially unsafe. The person or carer must simultaneously reverse their mobility aid while pulling the door open. This is quite difficult and poses a level of risk. For people who have poor hand function it is an impossible manoeuvre.

Recognising the difficulty faced by their customers, shopping centre managements are increasingly installing power assisted doors at public toilets. Some transport operators and providers have followed suite. These doors allow trouble free entry to people who are using mobility aids.

| | | |
|---|---|---|
| Power operated swing door and control.<br>  | Power operated swing door controls.<br>  | Power operated sliding door and control.<br>  |
| Rail car power operated entrance door control.<br>  | Rail car power operated toilet door control.<br>  | Rail car power operated toilet door control.<br>  |

## 25. Continuous accessibility on access paths

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

Further, a regulatory requirement, DSAPT Section 2.2 already exists. To reduce a regulation to advice would be to diminish the existing rights of people who have a disability.

It is essential that the requirement for accessible connection between transport nodes and in surrounding precincts is emphasised. The draft proposals are clear on connections to *associated public transport premises or infrastructure* but could better define 'associated'. The connection out into the pedestrian precinct is included in the draft regulation but is ambiguous and could be misinterpreted as being access from the property boundary only. The proposed regulation currently reads:

> Access paths must be provided to enable passengers to:
>
> • Enter the premises or infrastructure from adjoining public streets or walkways, and from associated public transport premises or infrastructure.
>
> • Enter the premises or infrastructure from any connected premises or infrastructure.

It might be amended to read:

Access paths must be provided to enable passengers to:

- Enter the premises or infrastructure from adjoining public streets or walkways, and from associated public transport premises or infrastructure, *whether directly adjacent or in the surrounding precinct.*
- Enter the premises or infrastructure from any connected premises or infrastructure, *whether directly adjacent or in the surrounding precinct.*

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Options are clear but unequal. Non-regulatory advice may not be followed despite clarity.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

There are no challenges associated with a reformed Section2.2 other than those that already exist. Transport assets will be covered as per current requirements of DSAPT. Footpaths, as public assets are covered by the DDA whether they connect transport nodes or not. The reform will impose no new responsibilities on asset owners but will rather better define the existing responsibilities.

4. When using access paths that connect public transport premises or infrastructure (such as a bus stop and train platform) have you experienced any accessibility issues?

Passengers with disability continue to report issues of access barriers in public spaces. Many of these spaces form part, or all, of an access path connecting public transport nodes.

For people who have mobility issues poorly constructed paths are the main concern. Rough surfaces, kerbs, steep kerb ramps, narrow paths, flangeway gaps, steep crossfall, inappropriately located street furniture all make access paths difficult to negotiate.

People with vision impairments report that inappropriate lighting regimes, wayfinding challenges, movable street furniture and signs, uncontrolled street crossings, poorly aligned kerb ramps, cantilevered fixtures and controlled crossings with insufficient crossing times are among their challenges.

People who have intellectual or cognitive impairments often find that jumbled, poorly coordinated public spaces are confusing, that wayfinding aids are absent or poorly planned, and that lighting regimes are inappropriate.

5. What features make a path connecting transport nodes accessible?

Continuous accessibility is paramount to the successful use of a public transport system. A public transport journey begins at a person's home or workplace, at places of entertainment, education, business, or worship, at health facilities or any other places to which they may resort and the journey finishes at their intended destination. At any breaks in the access path along the way the journey terminates in failure.

While many transport assets are themselves accessible or at least functional, the access paths connecting them are often quite challenging or simply not accessible. While there may be justifiable reasons for this in a few cases, such as steep topography, it remains that these poor or non-existent connections between transport nodes, and the sometimes inaccessible pedestrian precincts surrounding transport nodes, present the most significant barriers to continuous accessibility.

## 26. Flange Gaps

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why? If you prefer the regulatory proposal, which option do you prefer? Why?

The preferred option is Status Quo with the existing DSAPT Section 2.1 remaining in force. Anecdotally, the veloSTRAIL[26] [27] [28] flange gap filler product is understood to be performing admirably in all field tests. By maintaining Status Quo the rail operators are obliged to find a solution that eliminates flange gaps on level crossings. The regulatory and non-regulatory options offered may see the veloSTRAIL projects dropped and allow flange gaps to continue to be found on level crossings that are under the purview of DSAPT.

Provided that Status Quo is maintained, advice on level crossing elimination is welcome. Level crossings are dangerous places quite apart from the flange gaps with fatalities seen each year in most jurisdictions. Grade separated crossings are a far safer option for all and should be pursued.

#### 2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The regulatory and non-regulatory options presented for flange gaps are clear but are not acceptable. This is on the grounds of safety and discrimination.

Advice on level crossing removal is commended as the best safety option.

#### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Status Quo maintains the pressure to find and implement a safe solution to eliminate flange gaps. This imposes research, installation and maintenance costs on operators and providers. This must be balanced against the enhanced safety of people in mobility aids on level crossings. With the veloSTRAIL product apparently proving fit for purpose there would seem to be no technical challenges.

Level crossing removal is very expensive but is by far the safest option.

[26] https://www.strail.de/en/level-crossing-systems/
[27] https://www.railway-technology.com/contractors/crossings/strail/
[28] https://www.railexpress.com.au/tag/velostrail/

4. What is your experience crossing tram and train tracks?

Flange gaps are dangerous. Wheelchair users have been killed or trapped on level crossings when their castor wheels became stuck in a flange gap[29] [30] [31]. The Australasian Centre for Rail Innovation (ACRI) have not made their research results public[32] [33], but anecdotally it is understood that test participants who deliberately allowed their castor wheels to become trapped in compliant flange gaps were unable to independently extricate themselves. Without bystander intervention these people would have potentially been killed in a real-life scenario.

5. What alternative solutions exist to remove or reduce flange gaps and what potential impacts do those options have?

The Australasian Railway Association (ARA) currently has a Temporary Exemption from compliance for flange gaps on access paths. This was first granted in 2007 and has been extended for another five years on June 9, 2022, by the Australian Human Rights Commission[34]. As a result, the ARA has been granted 20 years in which to find a solution to flange gaps in access paths. To date they have failed to implement a solution. For all of this period, a product called veloSTRAIL has been available that is able to fill flange gaps, is safe for rail traffic up to speeds of 120 kph and is in use in Europe and New Zealand[35] free of accident or issue.

Several trials of veloSTRAIL are currently underway or have been completed in Australia[36]. Results are not published but anecdotally it is reported to have performed well. Based on successful trials it is hoped that an application will be made to the Office of the National Rail Safety Regulator for veloSTRAIL to become an approved product. This will allow flange gaps to be eliminated from the DSAPT level crossings as well as any others that the rail authority deems necessary.

The ultimate solution to flange gaps and level crossing hazard in general is to grade separate the crossings.

[29] https://www.theage.com.au/national/crossing-death-man-warned-of-danger-20030716-gdw1yz.html
[30] https://www.lynnnews.co.uk/news/womans-nightmare-as-disabled-sons-wheelchair-gets-stuck-in-9216446/
[31] https://www.couriermail.com.au/news/queensland/central-queensland/heroes-rescued-woman-in-wheelchair-stuck-on-railway-track/news-story/de0ab949f570bee4dd66f0f85f4f755a
[32] https://www.acri.net.au/lc15-identifying-and-testing-products-that-eliminate-the-need-for-level-crossing-rail-flange-gaps/
[33] https://www.acri.net.au/lc15b-field-testing-rail-level-crossing-flange-gap-elimination-products/
[34] https://humanrights.gov.au/sites/default/files/decision_3.pdf
[35] https://www.kiwirail.co.nz/assets/Uploads/documents/4eea8a615d/RailXing-PedBikeXingDesign-RevisedGuide.pdf
[36] https://ara.net.au/wp-content/uploads/05_Endorsed-MTM-Temporary-Exemptions-Report-2020.pdf

## 27. Resting points

### Consultation questions

1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported. Regulatory options provide a compliance benchmark that can be used in the event of complaint. Guidance is only followed at the discretion of the operator or provider.

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The options presented are quite clear and if followed provide for sensibly positioned allocated spaces at resting points.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Providing an allocated space at a rest point is not technically difficult. There may be minor costs associated with a larger slab size, but in the scope of an infrastructure construction or refurbishment project these are insignificant.

Retrofitting costs may vary. Moving a seat is not difficult or expensive. Laying a new slab as a stand-alone project may be. Upgrading within refurbishment cycles will minimise costs.

The CBA in the CRIS mentions replacement and retrofitting of seats. It is not clear why this has been costed as the allocated space would be located beside an existing seat. There was no costing of earthworks or paving to allow the installation of the allocated space.

4. On an access path leading to or from a public transport node have you ever experienced difficulty due to a resting point along the path not having a suitable space available for wheelchairs, scooters or similar mobility aids? How did the design of the resting point impact you and how could it be improved?

DSAPT requires allocated spaces at waiting areas such as bus shelters, rail stations and ferry terminals, but not at rest points. This seems to assume that people using wheeled mobility aids, or their companions, do not experience fatigue and hence they do not need a place to stop and rest. This is a major omission in the DSAPT that impacts people using wheeled mobility aids or their companions who experience fatigue. Rest points that accommodate all passengers, ambulant or non-ambulant, are required.

Away from public transport some local authorities such as Brisbane City Council already provide extra slab space beside seats for a wheelchair in their parks and gardens. This is an accessibility and inclusion initiative and is becoming a standard practice.

| | | |
|---|---|---|
| Park bench with wheelchair space, City Botanic Gardens, Brisbane  | Park bench with wheelchair space, City Botanic Gardens, Brisbane  | Park bench with wheelchair space, City Botanic Gardens, Brisbane  |

## 28. Requirement for handrails in overbridges and subways

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

DSAPT Section 11.2 already requires handrails in certain locations but does not specify the locations. This proposed reform removes any ambiguity on the provision of handrails on overbridges or in subways.

> **11.2 Handrails to be provided on access paths**
> (1) Handrails must be placed along an access path wherever passengers are likely to require additional support or passive guidance.

#### 2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The options are mostly quite clear. The second dot point in the regulatory option and the non-regulatory option is ambiguous though. It includes the word 'broken' which may be misinterpreted. This might result in a stair handrail being designed with a break as it reaches the overbridge, for example. The intent of the advice or regulation is to inform designers that a handrail transversely across and therefore blocking an access path or door is not good practice. This is rather obvious but may need to be stated. The regulatory option reads:

- Handrails may be broken at stair, walkway and ramp entry points, at lift doors, and at any other entry and exit points for the overbridge or subway.

An alternative might be:

- Continuous handrails must not block access to stair, walkway and ramp entry points, at lift doors, and at any other entry and exit points for the overbridge or subway.

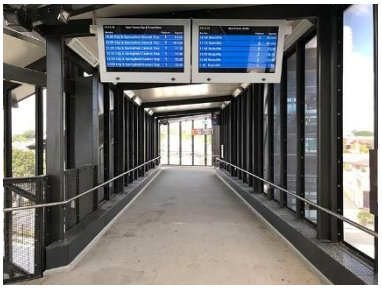
3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Many jurisdictions already install continuous handrails as standard in overbridges and subways. There would seem to be no technical challenges. Extra handrail in an overbridge or subway would incur cost but once installed has a very long service life.

4. How do you find the accessibility of overpasses or subways that do not have handrails on both or either side? Can you tell us any experiences that you may have had?

Handrails are very useful fixtures, providing both wayfinding and support for people as they move along an access path. Their use in overbridges and subways will be of benefit to people who are vision or mobility impaired but ambulant.

Where handrails do not continue along the overbridge or subway people lose support or wayfinding assistance. At peak times when crowding and jostling occur this loss of support or wayfinding is a disincentive to undertaking a public transport journey.

| Continuous handrail Geebung rail station overbridge | Continuous handrail Sunnybank rail station overbridge | Continuous handrail Roma Street rail station subway |
|---|---|---|
|  |  |  |

## 29. Location of Fare System Elements

### Consultation questions

1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

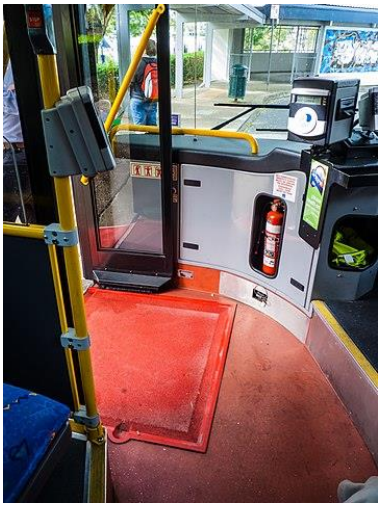
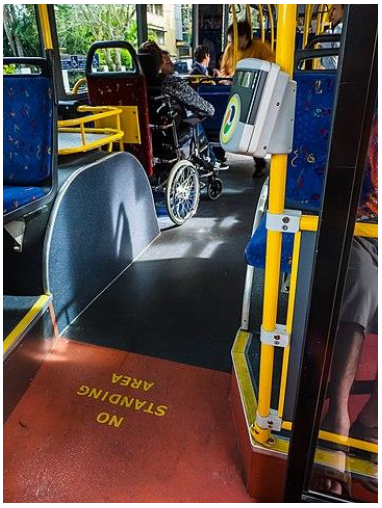
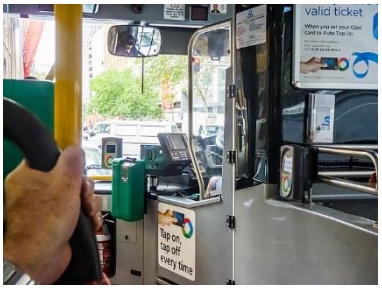
The regulatory option is clear. The inclusion of AS EN 301 549-2020 is welcome as it introduces sound technical specifications that can be met by industry.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Few of the regulatory requirements would impose costs. They are based on common sense—ensuring that fare system elements are within reach, are not obstructive and are easy to approach.

4. Is your ability to travel independently impacted by the existing location of some fare system elements including ticket vending machines, fare validators and platform access gates? If so, can you provide details?

Fare systems can be a challenge for many people with disability. Elements may not be sufficiently visible or within an acceptable reach range or they may intrude into access paths. Elements may require actions that are not physically or cognitively easy.

| Card validator intruding into the bus access path. | Card validator intruding into the bus access path. | Card validator not intruding into the bus access path. |
|---|---|---|
|  |  |  |

## 30. Allocated Spaces and priority seating in waiting areas

### Consultation questions

1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The regulatory option and its associated advice are clear and welcome.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

There are no changes to technical requirements. Allocation of priority seating and allocated spaces in a 1:20 proportion will impose few costs beyond installation of signs and floor markings.

4. What has been your experience or the experience of a travelling companion in obtaining an allocated space or priority seat in public transport waiting areas such as railway station platforms, airport terminals, bus stops, ferry wharfs and so on?

Priority seating and allocated spaces are sometimes provided in a miserly fashion. For example, some operators designate a single shelter on a rail platform as the waiting area and exclude the other shelters from DSAPT.

This results in all rail cars having priority seats but only a single platform shelter. Priority seats should be distributed along the entire platform to allow people to board their preferred carriage.

a. For example, are allocated spaces and priority seats free, easy to reach, in a good location and easy to identify?

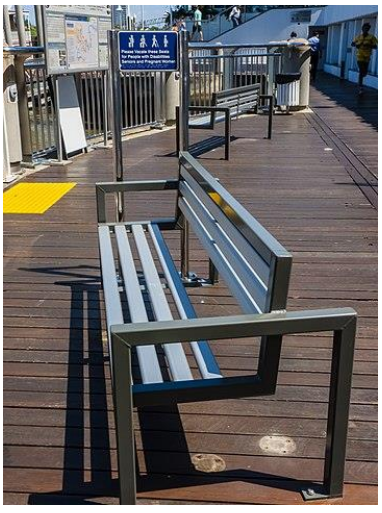
There is little consistency in the provision and identification of allocated spaces and priority seats even within the assets of operators and providers. For example, some Queensland Rail stations have both clearly identified, some have one or the other identified and some have neither identified. There is currently no DSAPT requirement to identify allocated spaces or priority seats at bus stops and other premises even though Part 7 requires their provision. This imposes severe restrictions on access to a space that exists but is not clearly identifiable.

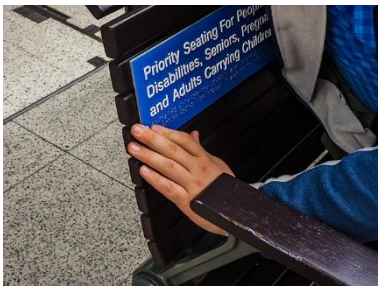
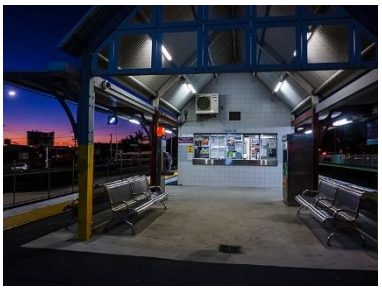
b. How could this be improved (for example, through the provision of braille and tactile signs)?

Some jurisdictions already provide braille / tactile priority seating signs in waiting areas. These are well received by passengers with vision impairments and should be standard. In some jurisdictions allocated spaces in waiting areas are demarcated while in others they are not. Signage in some cases is only a symbol on a wall with no suggestion of where the allocated space might be.

c. Have you even been unable to get an allocated space in a public transport waiting areas?

People with a disability frequently are unable to use the allocated spaces in waiting areas. As stated above, the spaces are frequently not identified and will be occupied by other members of the public. Some will surrender the space on request, and some will not. The onus is unfairly placed on the passenger with a disability to identify and request access to the unidentified allocated space rather than the other party understanding that a clearly defined and signed allocated space was intended for passengers with mobility aids as priority users. Many people find requesting other passengers move is intimidating and will not ask.

| | | |
|---|---|---|
| Ferry terminal braille / tactile priority seating sign.<br>  | Ferry terminal braille / tactile priority seating sign.<br>  | Ferry terminal braille / tactile priority seating sign.<br>  |

| | | |
|---|---|---|
| Bus stop braille / tactile priority seating sign.<br>  | Bus stop braille / tactile priority seating sign.<br>  | Defined allocated spaces at ferry terminal.<br>  |
| Bus stop allocated space provided but not signed or defined.<br>  | Ferry terminal allocated space signed but not defined.<br>  | Rail waiting area with no priority seats or allocated spaces.<br>  |

## 31. Accessible toilets with equal proportion of left and right hand configurations

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

#### 2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The regulatory option and associated advice is clear and welcome. Currently, all accessible toilets on board Queensland Rail's suburban fleet are left hand toilets. This includes the two accessible toilets being installed in the six car NGR train sets. The regulation and advice will be a vast improvement.

#### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Toilet hand is a decision made during design phase of a project. It does not impose cost or technical challenges for new trains or ferries. Existing conveyances may face considerable technical challenges to alter toilet hand, but since this would only occur in train sets or ferries that had two or more accessible toilets the impact will be very limited.

4. Has the availability of toilets of your preferred orientation (left or right hand transfer) impacted your ability to travel on that train or ferry journey or deterred you from taking a journey? If so, how?

When a train or ferry has more than one accessible toilet it is imperative to provide toilets of opposite hand. Having a choice of toilet hand may mean the difference between being able to use a toilet or not for some passengers. This is recognised in the Premises Standards and should also be recognised in the DSAPT. The matter is independent of the normal dominant hand, which is the right hand. Disability does not discriminate on which hand may be affected, left, right, neither or both. Toilets should therefore be available with an option for both hand orientations where there are two or more toilets.

a. Have you ever had difficulty transferring onto a train or ferry toilet pan because it was on the less preferred side of the cubicle for you?

This is an issue that was addressed in the Premises Standards based on public complaint. Many people with disability complained about the practice of toilets in a building being all of one hand. This was usually constructed as a convenience for the plumbing system in a high rise building rather than meeting the needs of people with disabilities. Advocacy on the matter of providing toilets of opposite hand saw this introduced as a requirement in the Premises Standards.

## 32. Emergency call buttons in accessible toilets

### Consultation questions

1. What is your preferred option: status quo, non-regulatory or regulatory option? Why? If you prefer the regulatory proposal, which sub-option do you prefer? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

Of the regulatory sub-options, sub-option 2 is supported as it ensures a more accessible outcome by locating the higher call button within the adjacent wall flush control zone.

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The regulatory option and associated advice is clear and welcome. Currently, all accessible toilets on board Queensland Rail's suburban fleet and some toilets on Brisbane's CityCat ferries have emergency call buttons. The need is recognised but the regulation and guidance to ensure that buttons are located in a manner that maximises functionality is missing.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

The technology required for accessible emergency call buttons is mature. It is a requirement in lifts in the AS1735.12-2020 standard. There is no technical challenge.

The vast majority of accessible toilets covered by DSAPT will be in trains or ferries, with only a small number located on infrastructure or in premises that are not included in the Premises Standards. Trains usually have emergency / help phones installed in carriages. These can also be installed in accessible toilets. Ferries have onboard staff whose workstations are, or could be, connected to an emergency help system.

### 4. How significant are concerns of falls and incidents while using an accessible toilet?

Accessible toilets are secure spaces, locked from the inside when in use. It is likely that if a person was in distress while in the toilet this would not be easily discerned by other passengers. Emergency call buttons are therefore essential installations. These must be placed so that a person who has difficulty while sitting on the pan or who has fallen to the floor can reach a call button.

### a. Does this concern affect your confidence to use public transport and how you plan your journey?

Safety and security are major concerns for people who have disabilities. This is particularly the case for people who rely on a degree of support to travel independently. They may be able to transfer independently but might not be able to rise from the floor if they fall, or they may experience a rapid change of circumstances that prevent transfer from the toilet pan. If no means of requesting assistance is available people are deterred from using an accessible facility and may therefore not undertake public transport journeys.

| Ferry emergency call button on wall adjacent to pan but no lower call button. | Ferry emergency call button on the rear wall and not reachable from the pan. |
|---|---|
|  |  |

| Train emergency call button adjacent to flush control but no lower call button. | Train emergency call button not easily reachable from the pan but with lower call button. |
| --- | --- |
|  |  |

## 33. Ambulant toilets

### Consultation questions

1. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The regulatory and non-regulatory options are reasonably clear and if followed will give good outcomes. Guidance material might include a table or diagram illustrating the various proportional options for unisex and gender separate toilets.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Ambulant toilets have a footprint not too much larger than a standard cubicle. Installing hem in new conveyances or infrastructure will not present challenges. Retrofitting existing cubicles may pose spatial challenges.

4. Have you ever been unable to access an ambulant toilet in a public transport setting? If so, how did this impact your journey?

The need for ambulant toilets is well established and they have been required by the Premises Standards since 2010. Unfortunately, the DSAPT has no requirement for ambulant toilets. Because they are not required, they are rarely if ever provided. This may deter some people from travel if they have a need for an ambulant toilet.

a. Did this lead to you having to use a standard toilet? Did the toilet lack of grabrails or space? How did this affect you?

Rather than use a standard toilet people who are ambulant, but who benefit from having grabrails as supports while rising or sitting, will attempt to use an accessible toilet. This is not optimal or entirely safe. Accessible toilets have only a single grabrail adjacent to the pan rather than the two grabrails either side of the pan in an ambulant toilet. The two types of toilets serve different user groups with different needs.

If ambulant toilets are not available on conveyances that have standard toilets it is a disincentive to travel for some passengers with a disability.

## 34. Lift specifications and enhancements

### Consultation questions

1. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The regulatory and non-regulatory options are clear and if followed will give good outcomes. They would be improved by stressing the need for through cars rather than turnaround cars. Through cars permit a smaller footprint and do not oblige mobility aid users to either turn through 180° in the car or reverse in or out of it.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

There will be no technical or financial challenges for new installations or retrofit installations that can accommodate compliant sized cars. Retrofitting existing lifts that are undersized may be difficult due to the restrictions posed by the shaft dimensions. This would be captured by unjustifiable hardship provisions.

The lift industry has abandoned AS1735.12-1999 already and moved to the AS1735.12-2020 standard. Lifts complying with the 2020 standard are readily available. This new Australian Standard adopts a European Standard EN 81-70:2018 with modifications for Australia, which specifies the minimum requirements for the safe and independent access and use of lifts by a wide range of people, including people with disabilities.

### 4. What has been your experience with lifts in the public transport environment? How can accessibility in lifts be improved?

The AS1735.12-1999 standard is obsolete. It is silent on technologies and capabilities that have developed since its publication. It is also silent on various human rights provisions. Many of these omissions are captured in AS1735-2020. An update to DSAPT that references AS1735.12-2020 is needed.

#### a. Have you found lifts accessible?

Through lift cars (door front and rear) are by far the more accessible design as they allow people to pass through the car without the need to turn. For many people using large mobility aids the turnaround (single door) lift car is too small to allow a 180° turn. This despite the car dimensions being compliant to AS1735.12-1999 and the Premises Standards.

The minimum lift car internal dimensions of AS1735.12-1999 are 1100 mm wide by 1400 mm deep. The Premises Standards minimum lift car internal dimensions are also 1100 mm wide by 1400 mm deep in lifts which travel not more than 12 m. The vast majority of lifts in the public transport environment travel less than 12 m vertically.

The DSAPT Section 3.1, citing AS1428.2-1992 Clause 6.2 sets a minimum size for a space that allows a 180° wheelchair turn. This space is seldom achieved in turnaround cars in the public transport environment. DSAPT Guidance or regulation should state the need for through cars wherever these are practicable.

> **6.2 Circulation space for 180° wheelchair turn** The space required for a wheelchair to make a 180° turn shall be not less than 2070 mm in the direction of travel and not less than 1540 mm wide.
>
> NOTE: A space of 2270 mm in the direction of travel and 1740 mm wide is preferred.

AS1735.122020 addresses the issue of 1100 mm car width with guidance in its Table 3.

> Car width: 1100 mm, Car depth: 1400 mm. Passengers with wheelchairs or walking aids are unlikely to be able to turn around in this type of car and have to leave the car backwards.
>
> Car width: 1100 mm, Car depth: 2100 mm. When cars of this type are configured with two opposite entrances this can provide straight through circulation from the main entrance to different floor levels.

#### b. Are buttons large enough and appropriately located to use easily?

Through lift cars with sensibly located controls are the most easily used by people who use mobility aids. This is not well understood by designers who frequently use turn around lift cars in their designs. If the floor call buttons are only located adjacent to the door people who cannot turn their mobility aid in the car will not reach the call buttons.

AS1735.12-1999 requires car controls to be located accessibly and for landing call buttons to be adjacent to the lift entrance. This provides too little detail for designers.

Lift buttons are large enough but frequently lack adequate contrast with the control panel surface.

c. Are touch screen lift controls easy to use?

Touch screen lift controls pose a challenge for people with vision impairment as they offer no tactile alternative for floor button identification. This is often exacerbated by the touch screen being located away from the lift landing. People who cannot see must first locate the touch screen and then find the appropriate lift. The touchscreen will often have identified the appropriate lift for the caller, but unless there is an audio announcement of car number or letter from the touch screen the passenger will have no idea which lift is theirs.

Annex C of AS1735.12-2020 requires verbal enunciation of touch screen buttons, which makes floor selection on a touch screen possible.

## 35. Specifications for escalators and inclined travellators

### Consultation questions

1. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

It makes perfect sense to align the required minimum width of an access path on a moving footway with the minimum width proposed for escalators and inclined travelators.

2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The regulatory and non-regulatory options are clear and if followed will give good outcomes.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Except in very space constrained situations there would be no technical or physical constraints to new installations or upgrades to existing assets.

Escalators and inclined travellators that an accessway of less than 850 mm clear with between side walls are available on the market and have been installed in some transport premises.

4. What are your experiences with escalators and inclined travellators? Do you think they are useful for passengers who have a disability?

Escalators and inclined travellators are useful for many ambulant people who have a disability provided they are properly design and have sufficient width.

a. Have you had a negative experience with escalators or inclined travelators in a public transport environment?

For people who are ambulant but who use canes, crutches or other aids these narrower escalators and travelators pose challenges to the safe use of the aids. Similarly, people who travel with guide or assistance dogs are

challenged to position the dog beside them on narrow escalators or travellators.

b. Are you aware of any incidents or accidents cause by escalators that were too narrow?

Rather than use escalators or inclined travelators that are too narrow, people will opt for the stair and lift alternatives. This adds to their travel time and in the case of the lifts also delays people who are solely dependent on the lifts. Using the stairs can result in fatigue that may impact on activity subsequent to use of the stairs.

## 36. Poles, objects and luminance contrast

### Consultation questions

1. What is your preferred option; status quo, non-regulatory, regulatory option 1 or regulatory option 2 (including the sub-options for each)? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

Of the options provided, Option 1 with sub-option 1 is preferred. These give the widest possible application of a reformed Section 2.5 and therefore the safest options.

2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The regulatory and non-regulatory options are clear and if followed will give good outcomes. The regulatory Option 1 Sub-option 1 give the best outcomes.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Because the option mostly concerns the colour and safe location of objects and fixtures the challenges of an application of a reformed Section 2.5 would be minimal for new work. There may be cost implications for recolouring existing objects and fixtures that do not comply. Many objects and fixtures do comply though, so the proposed reforms have no implications for these.

4. Are objects located beside access paths, such as bus stop poles, furniture or light poles, difficult to detect? What would make them easier to visually detect and what makes them harder to detect.

The requirement to luminance contrast objects adjacent to access paths with their background in DSAPT 2002 was welcome but poorly considered. How was the contrast to be determined and against which background? The result has been mixed, with some operators and providers ignoring an ambiguous requirement and others overcapitalising in contrasting colours. This can result in confusing and inconsistent outcomes for passengers with disabilities.

Colour and luminance contrast against a background are part of the solution. The other component is predictable location of objects. If on bus stops the J pole or blade, the TGSIs, seats and shelters are

consistently laid out, passengers with low vision know where to look for the object. They do not then have to solely rely on its contrast to locate and use or avoid it. Haphazard and random arrangement of objects on transport infrastructure places an avoidable hazard before people with vision impairments. People with no vision are reduced to feeling their way around the site, hunting for the facilities, while people with low vision must rely on their ability to search for and detect the facilities.

| J pole contrasting with road, slab and grass. | Stanchions contrasting with bitumen platform. | Seats and info pillar contrasting with slab. |
|---|---|---|
|  |  |  |

## 37. Lighting

### Consultation questions

#### 1. What is your preferred option; status quo, non-regulatory or regulatory option 1, 2, 3 or 4? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed. Therefore, regulatory option 1 'Removal of current requirements and replaced with guidance' cannot be supported as it is by default a non-regulatory option.

Of the proposed regulatory options, option 3 and its sub-option 1 are supported. These appear to give the best outcomes for passengers who have a disability while being easily achievable by operators and providers.

The Australian Standards referenced are also referenced in Austroads guidelines (outdoor spaces and road reserves). Australian Design Rules covering buses and National Standards for Commercial Vessels (NSCV) covering ferries have performance requirements for lighting that will not be affected by the proposed referencing of Australian Standards.

#### 2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Apart from regulatory option 1 the regulatory and non-regulatory options are clear and if followed will give good outcomes. As stated, the regulatory option 3 and its sub-option 1 are supported.

3. Do you think the referenced Australian Standards are adequate to achieve the desired outcome? If not, why?

The Australian Standards are fit for purpose if read in the context of the proposed guidance. The Webb Report[37] was well received by both industry and the disability sector. At locations at which it was implementation it has not caused any burden to fall on industry and it has provided sufficient illumination for rail platforms and associated infrastructure to be used safely. The regulatory option 3 will have no greater impact as it references achievable standards that have a proven track record.

4. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Many areas in the public transport environment are currently meeting the proposed regulatory option 3. For these operators there will be no issues. The challenges will be in areas that currently do not conform to either the Webb Report, the current DSAPT or the quoted Australian Standards.

5. Are there specific areas within public transport environments where you experience discomfort, feel unsafe, or find it difficult to complete a task due to the amount of lighting available? For example, read a sign or timetable, buying a ticket or communicate with staff at a service counter.

Lighting uniformity in particular benefits people who have low vision or cognitive impairments. Non uniform lighting imposes a challenge to low vision passengers in adjusting their vision between light pools. People with cognitive disabilities may interpret the deep shadows as ditches or solid objects. Any areas of non-uniform illumination can be disconcerting and a disincentive to use or travel.

Lighting is as much about safety and the perception of safety as it is about wayfinding. All passengers benefit from the provision of CPTED compliant lighting that eliminates shadows and hiding places.

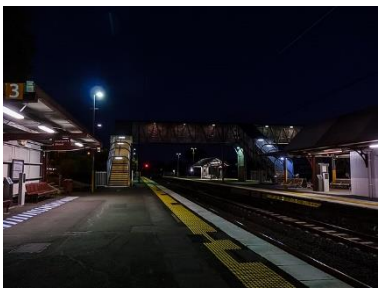
Two forms of illumination must be considered: task lighting and ambient lighting. Operating controls, reading text, boarding or alighting are all tasks that require lighting regimes that are superior to the ambient lighting of general areas.

Lighting regimes can be undone by light spill from surrounding areas and glare from reflective surfaces. Both should be eliminated or minimised.

a. If so, what do you wish was different?

Lighting must minimise non-uniformity, be within an acceptable temperature range and intergrade into the surrounding precinct with an abrupt change. Task lighting must be appropriate to the activity at the site. Surfaces must be non-reflective in order to reduce or eliminate reflectance and glare.

37 https://humanrights.gov.au/sites/default/files/ATTACHMENT%204%20WEBB%20REPORT.docx

| | | |
|---|---|---|
| Uniform lighting on bus station platform.<br>  | Uniform lighting on rail platform.<br>  | Uniform lighting on ferry pontoon.<br>  |
| Uniform lighting in bus at boarding point.<br>  | Uniform lighting in rail carriage.<br>  | Non-uniform lighting and glare from at ferry terminal.<br>  |
| Non-uniform lighting on rail platform.<br>  | Non-uniform lighting on bus station ramp.<br>  | Non-uniform lighting on bus station access path.<br>  |

## 38. Signals and process for requesting boarding devices

### Consultation questions

1. What is your preferred option: status quo, non-regulatory option, or the regulatory option (including relevant sub-options)? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed. Sub-option 2 is supported as it represents current DSAPT requirements.

2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The regulatory and non-regulatory options are clear and if followed will give good outcomes.

The group still disadvantaged by the proposed reform are Deaf people who must request assistance over a help phone system. These

passengers are non-verbal and unable to hear anything. Their hearing cannot be augmented by a hearing loop system. Until technology emerges that supports communication from Auslan to text / voice and *vice versa* it would be best if request systems were not solely reliant on verbal interaction.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

The technology for all the proposals is mature. There are no technical challenges for new or most existing conveyances. Retrofitting legacy conveyances may in some instances be difficult, but this does not prevent interaction with staff and direct assistance.

4. Have you, or your passenger, ever had difficulties boarding a conveyance or disembarking at your stop due to an inability to request a boarding ramp?

The need to communicate that boarding or alighting assistance is required or that there has been a change to a prearranged destination is essential for people using mobility aids or to others who require assistance in boarding or alighting. Many new conveyances have effective signal devices for requesting alighting assistance in their allocated spaces. Older conveyances may only have verbal signal devices that are not usable by passengers who are non-verbal, Deaf or hard of hearing. Some older conveyances do not have signal devices in allocated spaces.

Signal controls can be present but poorly positioned or not positioned in each allocated space. This prevents some passengers from reaching them to request alighting assistance.

Mechanical and electrical equipment can malfunction. These malfunctions may not be apparent to staff or passengers until a failure to signal for assistance occurs. Maintenance regimes should ensure maximum serviceability of the signal systems.

a. What was the nature of the fault? For example: the ramp did not arrive or was late, staff failure to communicate effectively, poorly located or broken controls?

Failures take in all the issues listed above.

b. What was the consequence?

The consequence of signal devices being poorly located, not installed or non-functional is that people are not able to request boarding assistance. They may therefore miss their service or their stop.

People who are not able to use voice only systems face a similar outcome.

| | | |
|---|---|---|
| No request device in allocated space.<br>  | No request device in allocated spaces.<br>  | Verbal only request device in allocated space.<br>  |
| Verbal only request devices in hard to reach locations.<br>  | Request device located too low for easy reach by passenger.<br>  | Single request device shared between three allocated spaces.<br>  |
| Verbal only request device in allocated space.<br>  | Non-verbal request device in allocated space.<br>  | Non-verbal request device in allocated space.<br>  |

## 39. Notification by passenger of need for boarding device

### Consultation questions

1. What is your preferred option: status quo, non-regulatory option, or the regulatory option (including the sub-options for unbooked services and calls and control buttons)? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

For unbooked services sub-option 1 is supported as it is the better human rights outcome and sits better with regulation. For call buttons sub-option 2 is supported as it represents current DSAPT requirements.

2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The regulatory and non-regulatory options are clear and if followed will give good outcomes.

The performance-based requirement for real time communication will hopefully capture the often-disadvantaged Deaf people who cannot request assistance over a help phone only system.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

The technology for all the proposals is mature. There are no technical challenges for new or existing boarding points. Unstaffed locations may require communication devices or interaction with onboard staff such as bus drivers or deckhands.

4. Can you describe your experience using controls to request a boarding device?

The ability to request boarding assistance, either directly of staff or by some other means of communication, is essential for some passengers. This must not require a booking system though some passengers may choose to book assistance ahead of boarding. Systems used must support the communication needs of all passengers, not excluding those who are non-verbal, Deaf or hard of hearing.

## 40. Portable boarding ramp edge barriers

### Consultation questions

1. What is your preferred option; status quo, non-regulatory or regulatory option 1, 2 or 3? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

Of the regulatory options Option 3 is supported as it cites the current Australian Standard for vehicle boarding ramps.

2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The regulatory and non-regulatory options are clear and if followed regulatory Options 2 or 3 will give good outcomes. Regulatory Option 1 leaves too much latitude for edge barrier height and may see barriers of insufficient height fitted to boarding ramps.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

There are no technical challenges. Portable boarding ramps that comply with AS3856.1 (2021), clause 7.1 (b) are available commercially. Many boarding ramps currently in service comply with this Standard.

4. What is your experience of using portable boarding ramps when boarding or alighting, or providing boarding assistance, from public transport? Please tell us about your experience and whether portable boarding ramps are fit for purpose.

Edge barriers on boarding ramps are important safety features for people who use mobility aids. They reduce the likelihood of aids falling off the edge of the ramp while transiting over it. Recent amendments to AS3856.1 (2021) acknowledge this by introducing the requirement for edge barriers on all vehicle boarding ramps.

| Portable boarding ramp in use. | Portable boarding ramp deployed. | Portable boarding ramp edge barriers. |
|---|---|---|
|  |  |  |

## 41. Boarding ramp and removable gangway definitions

### Consultation questions

1. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

The regulatory option is supported. Status quo is not viable. The non-regulatory option is only advisory and may not be followed. Further, the non-regulatory option makes a successful complaint due to non-compliance far more difficult than it would be for a regulatory option as the onus to prove discrimination would fall upon the complainant. The

regulatory option states a clear technical specification or performance specification that must be met or exceeded.

2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

The options clearly differentiate the vehicle boarding ramps from ferry gangways. Both are removable but must function in radically different environments. The gangway must have handrails and a convex profile for safety reasons, but these features are largely superfluous for most vehicle boarding ramps. Gangway specifications are captured in the National Standard for Commercial Vessels and in the DSAPT reform proposals, while vehicle boarding ramps are covered by AS3856.1 (2021). In reading these two documents the different technical specifications for boarding ramps and gangways are quite apparent.

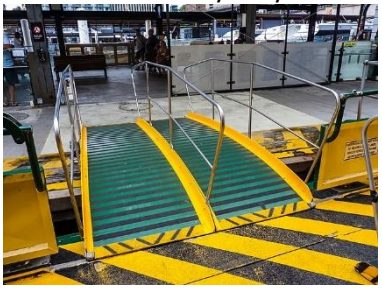
3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Convex profile removable gangways are already in service on the Brisbane River and in Sydney Harbour. These largely comply with the National Standard for Commercial Vessels. There can therefore be no technical challenge or cost impact of a definitional change that simply reflects the reality of current ferry removable gangways.

The Brisbane River removable gangway design was developed through an Equivalent Access process several years ago and has performed well.

4. Would you be supportive of a definitional distinction between boarding ramps and removable gangways? Can you explain why or why not?

The definitional distinction is supported as it recognises the clear distinction in design and operating environment between vehicle boarding ramps and removable gangways.

| | | |
|---|---|---|
| Flat profile train boarding ramp with no handrails.<br>  | Flat profile bus boarding ramp with no handrails.<br>  | Convex profile ferry gangway with handrails—Brisbane.<br>  |
| Convex profile ferry gangway with handrails—Brisbane.<br>  | Convex profile ferry gangway with handrails—Sydney.<br>  | Convex profile ferry gangway with handrails—Sydney.<br>  |

## 42. Removable gangway design - ferries

### Consultation questions

#### 1. To what extent does the issue impact you?

Despite DSAPT requirements for boarding ramps, which currently includes gangways, removable gangways are constructed to conform to the National Standards for Commercial Vessels. This allows gangway gradients of up to 30 degrees, which is approximately 1:3.

> **6.16.3 Gangways**
> ***6.16.3.1 Length***
> A gangway, if fitted, must be of sufficient length to ensure that when deployed during normal operations over the normal range of tide and vessel freeboards:
> (b) the angle of the gangway does not exceed the maximum permissible angle for cleated inclined ramps of 30°.

While not in itself a problem if the gradients for boarding ramps in DSAPT Section 6.2 are followed over the entire curve of the gangway, sections of a convex slope that had an average gradient of 1:8 may exceed 1:8 considerably, depending on the geometry of the gangway's curve.

These steeper sections of a gangway may cause a wheelchair to tip backward as it climbs the gangway or the footplates to strike the deck as the wheelchair leaves the gangway. It is essential therefore that gangway design maintains not more than 1:8 over any section of the gangways curvature when it is deployed.

#### 2. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

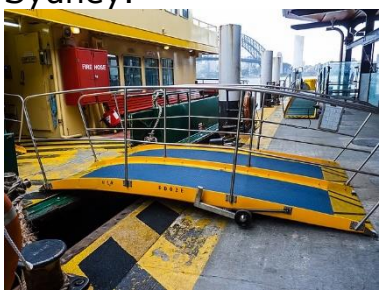
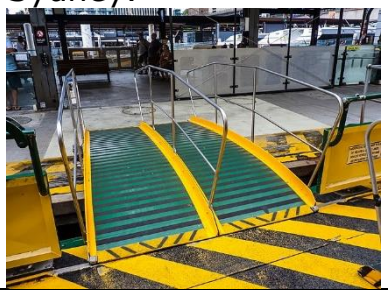
The regulatory option is supported. Status quo is not viable. The non-regulatory option is only advisory and may not be followed. Further, the non-regulatory option makes a successful complaint due to non-compliance far more difficult than it would be for a regulatory option as the onus to prove discrimination would fall upon the complainant. The regulatory option states a clear technical specification or performance specification that must be met or exceeded.

#### 3. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

#### 4. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

There are no challenges to implementation. Gangways that conform to the proposed reforms either wholly or in part are currently in service.

| | | |
|---|---|---|
| Steep ferry end gradient of convex profile gangway—Sydney.<br>  | Ferry gangway with handrails and contrasting strips on the leading edges—Sydney.<br>  | Steep ferry end gradient of convex profile gangway—Sydney.<br>  |
| Ferry gangway with no contrasting strips on the leading edges—Brisbane.<br>  | Ferry gangway with handrails and articulated section of convex gangway—Brisbane.<br>  | Articulated section of convex gangway maintains <1:8 at pontoon end—Brisbane.<br>  |

5. What experience do you have boarding ferries, or providing boarding assistance, via removable gangways? Are removable gangways easily accessible?

Falls by wheelchair users and ambulant passengers while exiting the former Brisbane ferry gangways prompted the Equivalent Access process that developed the current gangway design.  A co-design process developed a gangway that delivered acceptable gradients for independent use and that answered the Occupational Health and Safety concerns of the operator.

An extract from Spinal Life Australia's 'The Advocate' magazine written by a participant in the Equivalent Access process follows.

# New improved **Boarding Ramp**

on **CityFerry** and **CityCat** network

by Wendy Lovelace, Design Compliance Advisor

Brisbane City Council operates its fleet of CityCats and CityFerries along a network of 24 terminals stretching from The University of Queensland at St Lucia to Northshore Hamilton. Boarding ramps are located at each ferry terminal to assist safe and efficient boarding of the vessels.

In October 2014 a number of community representatives using a range of mobility aids had the opportunity to trial a prototype new and improved boarding ramp.

Unlike on a bus or train, the boarding ramp operates in a dynamic environment that requires it to keep each end joined to the pontoon and ferry deck while both are in motion. There are also the effects of the rising and falling tides to be considered.

The ramp therefore must have a convex shape, which to date has been steep with poor transitions to the deck and pontoon. Reducing the convex to a minimum while maintaining contact with the decks at all times has been the challenge.

This prototype ramp offers a more comfortable, less steep gradient along with less steep and gentler transitions to deck and pontoon and has achieved the best compromise to date.

**The boarding ramp needs to serve a variety of purposes:**

- Provide a safe and functional transition from the pontoon to floating vessel while both are in motion
- Accommodate the rising and falling tide and the loading of the vessel
- Meet compliance
- Be operated and deployed by staff so work health and safety considerations apply
- Be situated in a robust marine environment

It was a delight to use a piece of transport transition equipment that was so easy, dignified and felt safe.

The transitions to and from the deck and boarding pontoon were very well graded, so there was no footplate scraping.

Little extra effort was required to cross the boarding ramp resulting in a safe, functional and dignified outcome for all users.

## The new Bulimba Ferry Terminal

Officially opened on 14 December 2014, the new Bulimba Ferry Terminal has the first of the new articulated gangways.

The geometric based, self-levelling action adjusts with the tide to ensure that intermediate landings remain horizontal through the range of tides which vary up to 2.5 metres.

In simple terms the gangway will remain at or less than a gradient of 1:14 at all times with level landings at 6m intervals exceeding compliance requirements.

These new gangways will be installed progressively at all terminals throughout the Brisbane City Council Ferry Network.

Together with the new improved boarding ramp with shallower gradient, the new articulated gangways will contribute to the safe, functional and efficient boarding of vessels for all users.

*a. Do you feel safe while boarding ferries via removable gangways? Please explain your circumstance and experience.*

If well designed, removable gangways are safe and fit for purpose. As detailed above though, gangways that meet decks too steeply can cause wheelchairs to tip backwards while entering the gangway. Similarly, while exiting the gangway's steep section end section the wheelchair foot plates may spear into the pontoon or ferry deck.

Passengers who are ambulant, including people with disabilities who have balance or vision impairments, have also had falls or incidents on the steeper sections of the gangways.

## 43. Nominated assistance boarding points

### Consultation questions

#### 1. To what extent does the issue impact you?

Operators of rail services in particular nominate a location on a platform at which people who require boarding assistance must wait to be identified and assisted. These nominated assistance boarding points are usually identified on platforms by the international symbol for access. In many cases these assistance points are distant from services and facilities available to other passenger and exposed to the weather. Passengers waiting in a shelter may miss a service if they cannot move quickly to a nominated assistance boarding point.

Staff will sometimes insist that the door adjacent to the nominated assistance point is the only door through which people who require assistance are allowed to board. They will reference some unnamed 'law' to justify their actions if challenged and insist that they be obeyed if assistance is to be provided. People will then be crammed into an overloaded vestibule or area of one carriage while allocated spaces and priority seats are vacant in other carriages. This can leave people using mobility aids parked in vestibules with no access to the grabrails and communication devices located in the occupied allocated spaces.

#### 2. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

#### 3. Of the sub-options in regulatory option 1, which of the proposed list of facilities should be identified or marked as accessible?

All the facilities listed in Option 1 are for passengers with a disability and therefore must be connected by an access path to an accessible door. Sub-option 5 is therefore supported as it allows a non-discriminatory outcome.

It might be argued that a seat (sub-option 1) is not an accessible facility, but if located in a part of carriage covered by hearing augmentation it would serve a person who was hard of hearing and whose hearing aid had a telecoil. Carriages that had hearing augmentation should display the international symbol for deafness on their doors.

#### 4. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Options are clear but regulatory Option 1, Sub-option 5 gives the non-discriminatory outcome.

5. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Since the only changes required are to policy, supported by staff training, challenges are minimal.

6. What does the International Symbol of Accessibility mean to you when you see it marked on a conveyance door?

The international symbol for access on a door identifies that door as an 'accessible entrance' (DSAPT Section 8.8) that connects to accessible features in the rail car by a compliant access path (DSAPT Section 2.8). These entrances must be identified by the international symbol for access (DSAPT Sections 16.1 and 16.5). Accessible features include allocated spaces, priority seats and accessible toilets.

These 'accessible entrances' are available for boarding assistance by people who require it. There are no 'priority doors' but any accessible entrance must see assistance on request by the passenger (DSAPT Section 8.2). The operator cannot direct a passenger to a door or refuse them access to a door if facilities associated with it, such as allocated spaces or toilets, are available.

| | | |
|---|---|---|
| Nominated assistance boarding point remote from shelter and services.<br>  | Nominated assistance boarding point remote from shelter and services.<br>  | Nominated assistance boarding point lacking seating and information services.<br>  |
| Accessible entrance identified by the international symbol.<br>  | Accessible entrance identified by the international symbol.<br>  | Accessible entrance identified by the international symbol.<br>  |

## 44. Identification of lead stops

### Consultation questions

#### 1. To what extent does the issue impact you?

Lead stops function well in circumstances where several buses might otherwise be pulling in or out randomly from a long platform. They give people with a disability a predictable location at which they can board. The alternative is to race up and down the station platform as buses pull in to whatever space is available. For passengers who have vision impairments this is not possible as they cannot see the services pulling in. People with mobility issues may not move quickly enough to reach their service before it departs.

The challenge lies in identifying the lead stop when a bus station or interchange has a single lead stop or differentiating between the lead stops when a bus station or interchange has a several lead stops.

#### 2. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

#### 3. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

#### 4. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

No challenges are apparent. Lead stops are in service in some jurisdictions. These lead stops have various identifying features that are easily implemented. Most are mature technology such as signs, QR codes and TGSIs. Others such as Navilens[38], a matrix code or 2D bar code, are emerging technologies showing promise.

#### 5. Were you aware that some bus stations, interchanges or zones have a 'lead stop' arrangement at which you board? If so, how were you made aware of this arrangement?

Queensland operates a lead stop system at some locations which is promoted in various ways. Orientation and Mobility instructors will instruct clients who have a vision impairment in the use of lead stops. Customer Liaison Officers working on bus stop platforms will advise customers on the use of the lead stop—among other service-related matters. TransLink's Public Transport Infrastructure Manual[39] defines lead stops and describes their use.

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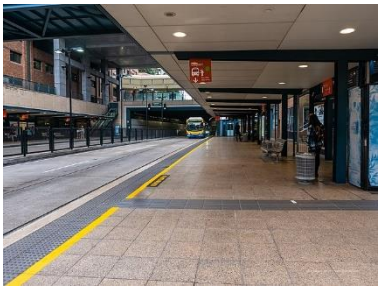
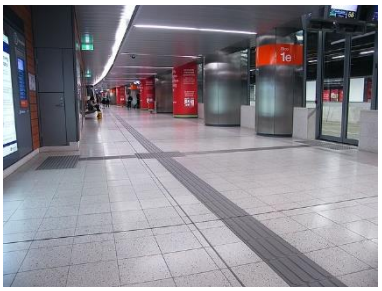
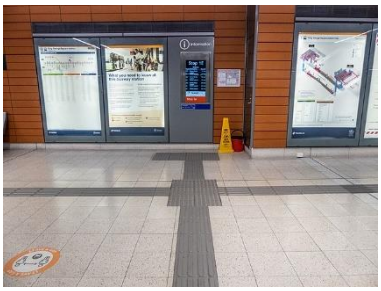
[38] https://m.facebook.com/TransLinkQLD/posts/291166779715904

[39] https://www.publications.qld.gov.au/dataset/495a8be2-9658-4965-90c8-de0506b0c886/resource/a962f82b-76a7-4f19-94f8-d9137b10ec6b/download/ptim06busstationinfrastructuresep2015.pdf

While useful, greater promotion of lead stop boarding and how it functions must be undertaken, as many potential passengers are unaware of the facility.

| | | |
|---|---|---|
| Lead stop sign at bus station.<br>  | Lead stop sign and TGSIs at bus station.<br>  | Navilens matrix code in bus station.<br>  |
| Navilens matrix code at bus station lead stop.<br>  | TGSIs connecting lead stop information and boarding point.<br>  | TGSIs connecting lead stop information and boarding point.<br>  |
| Braille / tactile lead stop identifier at bus station.<br>  | Bus stop blade braille / tactile and QR code identifier.<br>  | Bus stop blade braille / tactile and QR code identifier.<br>  |

## 45. Pontoon boarding points on infrastructure 250

### Consultation questions

1. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

There are no technical challenges. Pontoon stability can be deduced from a mathematical formula provided that the environmental factors are taken into consideration. Cost of an appropriate pontoon would probably exceed that of a small, inappropriate pontoon.

4. Have you ever felt unsteady on a ferry pontoon? If so, how could this have been prevented or improved?

Pontoons that are undersized and which rock appreciably in adverse conditions are a disincentive to boarding and alighting from ferries. People with mobility impairments have reported that certain ferry terminals with small pontoons should not be regarded as accessible. Pontoon rock will cause movement of the removable boarding gangway which causes further anxiety while boarding or alighting. The situation is exacerbated when these small pontoons are also the waiting area. Apart from personal stability, people prone to motion sickness can find these pontoons difficult to remain on for any appreciable length of time.

a. How would a more stable boarding environment at ferry pontoons impact your safety and confidence to travel?

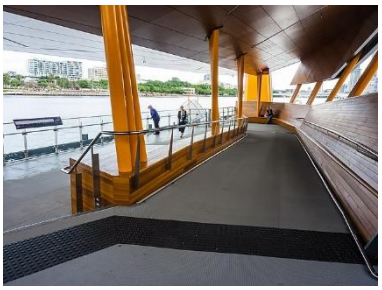
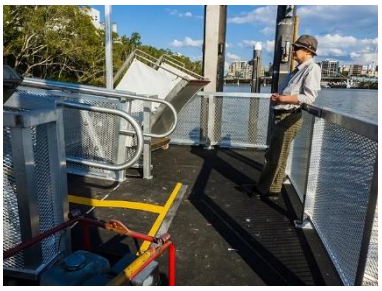
A feeling of safety and security is vital if people are to make public transport journeys. Eliminating perceptions of unsafety as much as actual hazards is an essential service.

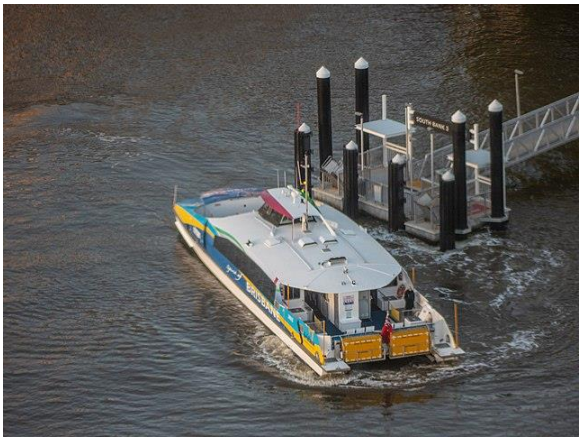
5. In your experience as a passenger or as an operator / provider, what generally causes ferry pontoons to be unstable during boarding and alighting?

Chief factors in the stability of a pontoon are the area and weight of the pontoon, how well it is secured, and the environment in which it is located. As a general rule, large, heavy well secured pontoons are far more stable than small, light, poorly secured pontoons. For example, the flood recovery terminals constructed post 2015 on the Brisbane River are large enough to berth two ferries. These pontoons are very stable platforms. The small pontoons that they replaced were notorious for bobbing in the water after only a slight disturbance, including pedestrian traffic on the shore gangway and people crossing the pontoon to or from the ferry.

Wind, waves and wash will all cause a degree of movement depending on their strength and the size, weight and securement of the pontoon. River and tidal current can also cause pontoon movement in some locations. A small pontoon affected by strong environmental forces is likely to be rather unstable.

Ferries berthing or departing are also affected by these environmental forces. Despite the skill of the master ferries may bump or throw wash forcefully against a pontoon in adverse conditions. Large pontoons can mostly absorb the shock, but smaller pontoons may rock considerably.

| | | |
|---|---|---|
| QUT Gardens Point ferry terminal pontoon post 2015.<br>  | QUT Gardens Point ferry terminal pontoon post 2015.<br>  | QUT Gardens Point ferry terminal pontoon post 2015.<br>  |
| QUT Gardens Point ferry terminal pontoon pre 2015.<br>  | QUT Gardens Point ferry terminal pontoon pre 2015.<br>  | QUT Gardens Point ferry terminal pontoon pre 2015.<br>  |
| Dockside ferry terminal and pontoon waiting area.<br>  | Dockside ferry terminal and pontoon waiting area.<br>  | |

| South Bank 3 ferry terminal and pontoon waiting area. | South Bank 3 ferry terminal and pontoon waiting area. |
|---|---|
|   |  |

## 46. Bus, tram and light rail boarding points on infrastructure

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

#### a. For the regulatory option, do you prefer sub-option 1 or 2?

Option 2 is supported as Option 1 is non-viable. A significant number of bus stops are located on hill slopes that do not permit a boarding point of 1:40 to be practicably or safely achieved. Perhaps 30% of the nation's bus stops are impacted by topographic constraints. Open data[40] supplied by Brisbane City Council for bus stops illustrates this point.

| Gradient | Road | Crossfall |
|---|---|---|
| Easy (≤1:40) | 3745 stops | 3454 stops |
| Medium (1:20-1:39) | 1109 stops | 1435 stops |
| Hard (>1:20) | 830 stops | 795 stops |
| Not assessed | 658 stops | 658 stops |
| Total number of stops | 6342 stops | 6342 stops |

#### 2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both regulatory and non-regulatory options are quite clear and if regulatory Option 2 is followed will give good outcomes.

[40] https://www.data.brisbane.qld.gov.au/data/dataset/brisbane-bus-stops

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

There are no challenges to implementation. Regulatory option 2 is already the *de facto* approach to boarding point construction in difficult locations.

4. Have you ever encountered a boarding point at a bus, tram or light rail stop that had too great a slope or crossfall for easy boarding?

As stated above, bus, tram and light rail stops are very frequently non-compliant due to either slope or crossfall. Up to about 1:20 these gradients remain at least functional for most users. Beyond 1:20 the gradients become progressively less safe.

a. If so, how did you, or the passenger, manage to board?

People will judge for themselves when they are at risk boarding or alighting. If they judge the risk to great, they will not use the boarding point without assistance. Operators may or may not be willing to provide direct assistance in this scenario. This can eliminate many stops from use in the transport network for some passengers.

## 47. Hail-and-ride boarding points on infrastructure

### Consultation questions

1. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

None of the proposals impose any particular challenges. Boarding devices are readily available, either vehicle attached or portable.

4. Do you use hail-and-ride services that are available in your area? If not, can you describe why?

Hail-and-ride and on-demand-transport services are slowly expanding in outer suburban areas where route bus services are not viable. These work best in a contained catchment that focuses on core destinations such as rail stations, shops, or both. A long running and successful hail-and-ride service is Brisbane's Personalised Public Transport[41] scheme. This uses wheelchair accessible taxis as conveyances and serves eight catchments. Low floor minibuses with ramps or high floor minibuses with lifts are commercially available.

[41] https://www.brisbane.qld.gov.au/traffic-and-transport/public-transport/personalised-public-transport

5. What elements make a boarding point accessible?

In terms of a hail-and-ride boarding point the first requirement is a safe, comfortable and easily identifiable waiting space with clear sightlines. The second is an access path to the accessible entrance. This might involve driver deployment of a built in or portable ramp.

## 48. Accessible taxi ranks

### Consultation questions

1. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

2. For the non-regulatory and regulatory options, do you prefer sub-option 1, 2 or 3?

Sub-option 2 is supported as it permits boarding at the first two spaces and alighting from the last space. The last space is the least likely to be occupied and is therefore the logical place to alight.

Sub-option 3 appears to limit accessibility to taxi zones with more than five spaces. This is a very poor option.

A better sub-option would incorporate elements of sub-options 2 and 3:

> The first, second and last vehicle space must be accessible. Where there are more than five spaces one space for every four spaces between the second and last space must be accessible.

3. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

4. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

For existing taxi ranks with kerbs or taxi ranks retrofitted against existing kerbs there would be the cost of installing kerb ramps. These seldom cost more than $2500.00.

New installations at transport nodes and off-street commercial precincts will face few extra costs as access becomes part of project cost. This is reflected in the voluntary installation of same grade ranks or ranks with kerb ramps at some airports and shopping centres.

5. Have you, or a passenger, ever been unable to board a wheelchair accessible taxi that was waiting at an on-street taxi rank? If so, what prevented the boarding?

Invariably it is the presence of a continuous kerb that prevents boarding at taxi ranks. Most wheelchairs cannot cross a 150 mm high kerb to reach the accessible rear entrance of the WAT.

| | | |
|---|---|---|
| Taxi zone with kerb ramp, Sydney domestic terminal.<br>  | Taxi zone at same grade Brisbane domestic terminal.<br>  | Taxi zone at same grade, Westfield Chermside.<br>  |
| Taxi zone with continuous kerb, Adelaide St Brisbane.<br>  | Taxi zone with continuous kerb, George St Brisbane.<br>  | Taxi zone with continuous kerb, Chatsworth Rd Greenslopes.<br>  |

## 49. Accessible passenger loading zones on-street

### Consultation questions

1. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

2. For the non-regulatory and regulatory options do you prefer:

a. Sub-option 1: The first and last vehicle space must be accessible.

Sub-option 1 is inferior to sub-option 2 but better than sub-option 3.

b. Sub-option 2: The first, second and last vehicle space must be accessible.

Sub-option 2 is supported as it permits boarding at the first two spaces and alighting from the last space. The last space is the least likely to be occupied and is therefore the logical place to alight.

c. Sub-option 3: Where there are more than five spaces the first and last vehicle space must be accessible. In addition, one space for every four spaces between the first and last space must be accessible.

Sub-option 3 appears to limit accessibility to taxi zones with more than five spaces. This is a very poor option.

A better sub-option would incorporate elements of sub-options 2 and 3:

> The first, second and last vehicle space must be accessible. Where there are more than five spaces one space for every four spaces between the second and last space must be accessible.

3. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

4. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Beyond the cost of installing kerb ramps in existing passenger loading zones there are no real challenges.

5. What is your experience of finding and using accessible on-street passenger loading zones? Are loading zones unsuitable for your needs? If so, why?

In the Brisbane CBD on-street passenger loading zones are accessible so the experience is very positive. Away from this precinct the experience is mixed. Many commercial precincts have on-street passenger loading zones that have continuous kerbs. Most mobility aid users cannot cross a 150 mm high kerb in order to reach the rear accessible entrance of a WAT or private van.

| | | |
|---|---|---|
| Accessible passenger loading zone George St Brisbane.<br>  | Accessible passenger loading zone George St Brisbane.<br>  | Accessible passenger loading zone George St Brisbane.<br>  |
| Accessible passenger loading zone Adelaide St Brisbane.<br>  | Accessible passenger loading zone Turbot St Brisbane.<br>  | |

## 50. Accessible parking spaces in infrastructure off-street carparks

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

#### a. Of the sub-options proposed in the regulatory option which do you prefer?

Sub-option 1 aligns with the Premises Standards requirements and would be most easily implemented. Sub-option two would appear to exclude other passengers from parking if there were five or less spaces. This might be difficult to justify.

An alternative option might ask for all parking spaces to be of an accessible width if there are five or less, but not designated for the exclusive use of disability Parking Permit holders.

#### 2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

#### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Apart from a potential loss of a parking space in existing car parks there would seem to be few challenges.

#### 4. Would the provision of accessible parking spaces at off-street car parking areas associated with public transport infrastructure be of benefit?

In that quite a number of off-street car parks associated with public transport infrastructure or remote from the transport nodes that they serve do not have disability parking spaces there would be a benefit.

#### a. If so, how would this benefit you?

People with disability who were obliged to drive to the transport node would have the same access to parking as other passengers.

#### b. If increased accessible parking spaces were available, would you be more likely to use public transport?

People who were unable to afford parking fees in CBD or commercial precincts would definitely be enticed to use public transport if parking was available.

| Disability parking spaces at Chermside bus interchange. | Station car park remote from station (in yellow), Moorooka. |
| --- | --- |
|  |   |

## 51. Grabrails on access paths

### Consultation questions

1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

In that many operators and providers are already providing grabrails along access paths there would seem to be few challenges.

4. Can you describe your experience with grabrails on access paths?

a. How do grabrails on access paths on conveyances affect your ability to travel due to your personal circumstances? Can you describe how important grabrails are to you?

Grabrails along conveyance access paths provide vital support for passengers who have balance issues. They also provide general support to passengers who are standing while the conveyance is in motion.

b. Have you ever felt unsafe where seeking support while traveling to or from your seat and the conveyance entrance? Can you provide details?

Access paths in conveyances are often narrow, not more than 850 mm wide. People who have walking sticks, crutches or the like must seek other support in these constrained circumstances. Similarly, people with vision impairments who use long white canes. The Grabrails are both support and guidance.

c. Have you ever been unable to distinguish grabrails from the background along an access path on conveyances? Why was this a challenge and how could this be improved?

In the early 2000s Queensland rail installed dark blue grabrails in their IMU and SMU trains. The vision impaired members of their Accessibility Reference Group advised that these were difficult to distinguish. Instead they requested yellow grabrails that were far more visible.

| | |
|---|---|
| Grabrails on rail car access path.<br>  | Grabrails on bus access path.<br>  |
| Original blue grabrails in SMU accessible rail car.<br>  | Replacement yellow grabrails in SMU accessible rail car.<br>  |

## 52. Grabrails in allocated spaces

### Consultation questions

1. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

In that many operators and providers are already meeting the regulatory option there would not seem to be any constraints.

4. What are your experiences using grabrails in allocated spaces on conveyances? For example:

a. Are they visually easy to identify?

If of an appropriate colour to contrast with their background grabrails in allocated spaces are easy to identify.

b. How does the different layout (horizontal, vertical or angled) of grabrails impact your ability to use them?

A diversity of angles and heights gives more opportunity for support. Appropriate options are welcome. Unfortunately, some grabrails in allocated spaces are entirely inappropriate. These can lack contrast, be of too great diameter, too high or low, or not within easy reach.

c. What factors are important for accessible use of grabrails (for example location, height, diameter, length, and colour)?

The factors spelled out in the regulatory option, if implemented, are the factors necessary for a functional grabrail.

| Rail car allocated space grabrails. | Bus allocated space grabrails. | Ferry allocated space grabrails. |
|---|---|---|
|  |  |  |

## 53. Mobility aid movement in allocated spaces: Passive restraints

### Consultation questions

1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

The currently installed passive restraints are not a challenge to install or use. If aisle side restraints are deployed these may present a barrier, depending on their design.

4. What experiences have you had with wheelchair or scooter safety in allocated spaces on buses, trams, light rail and ferries?

a. Have you, or your passenger, ever slid or toppled? If so, could you describe the experience?

Bus passengers in wheelchairs and scooters have been reported tipping as buses turn or brake. Injuries sustained have varied from mild to fatal.

Incidents in trams are far less frequent than buses due to their operating environment putting less force on passengers during turns.

Ferries that experience rough seas (very few) can place considerable forces on a wheelchair in an allocated space. Most ferries operate in clam waters where forces are negligible.

b. Have you, or your passenger, ever had difficulty manoeuvring into an allocated space due to the location or design of restraints systems? Could you describe the experience and outcome?

Passive restraints currently in service do not present a barrier to manoeuvring into all allocated space. Rather, the chief limitations on manoeuvrability are aisle width and the size of the allocated space.

Reports from the United Kingdom indicate that some wheelchair users find the vertical aisle stanchions used as passive restraints are a barrier. These are not currently installed in Australia as they would block the access path from the front door to the allocated spaces.

c. Have you ever been deterred from using public transport due to safety concerns related to mobility aid safety?

During public consultation with members of Spinal Life Australia, half the participants (15 people) reported that they would not travel on buses due to fear of their wheelchairs tipping or experiences of tipping.

## 54. Mobility aid movement in allocated spaces: Active restraints

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

#### 2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

#### 3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Restraint systems that comply with ASNZS10542.1-2015 are readily available and well understood by operators and the public. There are no significant challenges.

#### 4. What has your experience been using restraints on public transport?

##### a. Did you feel safe?

This issue of feeling unsafe while restrained is seldom if ever raised. All wheelchair accessible taxis are equipped with compliant active restraints and have been for decades. While applying and removing the restraints is time consuming once they are in place, they are very secure. The passenger has a lap belt with a sash option which is the safety equivalent of the seat belts hat seated passengers would wear.

##### b. Did you feel comfortable?

The position of the passenger in the wheelchair accessible taxi might be anything but favourable, but the restraints and their lap / sash arrangement are no less comfortable than any other seatbelt.

##### c. As an operator and / or provider do you know how use the restraint properly?

All drivers of wheelchair accessible taxis are trained in the use of the active restraints and would be accustomed to using them on most working days, often multiple times. It is not clear how familiar coach drivers would be with the system as few coaches are wheelchair accessible and the opportunity for drivers to put training into action would be limited.

##### d. If you, or your passenger, have ever been involved in an incident whilst actively restrained, could you provide details?

Serious incidents are rare. These mostly involve the need for emergency egress from a vehicle. Some restraint systems come with belt cutting devices which allow rapid unrestraint. This should be a requirement of the DSAPT.

## 55. Appropriate seats on booked services

### Consultation questions

#### 1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice

may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Since the reform involves only a change in booking policy, rather than structural changes to a booked conveyance, there are no significant challenges. Several jurisdictions already have booking policies that closely resemble the options proposed.

4. What is your, or your passengers, experiences in booking appropriate seats on public transport?

a. Were appropriate seats available?

Appropriate seats can usually be made available at booking provided that another passenger with similar needs had not already booked them.

b. Was there a need to negotiate an appropriate seat?

Appropriate seating will often need to be negotiated. This should always be possible during the booking process.

c. Was the eligibility process fair and accommodating? Please provide detail.

Most operator are happy to accommodate request for appropriate seating. It would only be in circumstances where a seat was already booked by a person with similar needs that an ideally appropriate seat could not be provided.

## 56. Conveyance dwell times at stops

### Consultation questions

1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

No significant challenges are apparent. In some conveyances, drivers are able to observe all passengers, making appropriate dwell time a training and policy issue. Technical solutions are available in circumstances where operators do not have a good view of passengers.

The G:Link tram has a button on the exterior of the accessible doors that holds the door open longer and alerts the driver that a passenger who has

a mobility impairment is boarding[42] and requires time to reach a seat or allocated space. This technology can be applied to autonomous conveyances as much as conveyances with drivers or masters.

4. Have you, or your passengers, ever been in a situation where a conveyance has departed or moved off before being seated or were safely in an allocated space? If so, can you describe what happened?

Most incidents seem to occur in buses and involve falls by ambulant people with mobility disabilities. Drivers are on tight timetables and often driving in adverse conditions. When an opportunity to pull out into a gap in the traffic arises it will sometimes be seized, regardless of whether all passengers are seated or secure. People with poor balance can fall in these circumstances.

## 57. Stairs on trains

### Consultation questions

1. What is your preferred option: status quo, non-regulatory option, or the regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

a. For the non-regulatory and regulatory options, which sub-option do you prefer?

If it can be achieved, sub-option 2 is supported as it has measurable dimensions. Sub-option 1 is more a suggestion open to interpretation than a regulatory option.

If the stair geometry of sub-option 2 cannot be achieved the geometry of ferry stairs in the National Standard for Commercial Vessels Part C Design and construction section 1 Arrangement, accommodation and personal safety (2018) Part 15.3 might be considered.

2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Sub-option 1 leaves much to the imagination. Apart from that both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Stairs will be built in twin deck trains regardless of DSAPT so there are no cost implications. These stairs must fit in a very finite space. The challenge in new trains is how to determine a stair geometry that optimises access and safety for all passengers able to transit to upper or lower decks. For existing trains, the challenge would be to retrofit stairs. This could be an extremely expensive exercise if it was feasible.

[42] https://ridetheg.com.au/%ef%bf%bcriding-the-g/mobility-access/

4. Have you, or your passengers, ever had difficulty climbing or descending stairs, stumbled or tripped on internal rail carriage stairs? If so, could you describe the situation and suggest any improvements (for example handrails)?

The suggestions in both the regulatory and non-regulatory options will enhance stair safety and accessibility.

## 58. Stairs on ferries

### Consultation questions

1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

a. Do you prefer sub-option 1, 2, or 3 for the regulatory and non-regulatory options?

If it can be achieved, sub-option 2 is supported as it has more generous dimensions for risers and goings than sub-option 1. Sub-option 3 is more a suggestion open to interpretation than a regulatory option.

It is not clear how sub-option 2 would be enforceable unless it was also incorporated into the NSCV. Establishing conflicting requirements in the DSAPT and NSCV is likely to see the industry ignore the DSAPT and follow the NSCV. This would mean that sub-option 1 was the default outcome.

2. Do the non-regulatory and regulatory options provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Sub-option 3 leaves much to the imagination. Apart from that sub-option, both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

If sub-option 1 is followed there will be virtually no impact on new or existing ferries. Sub-option 2 may prove challenging to retrofit on existing ferries and may not be easily achieved on some new ferries.

4. Have you, or your passengers, ever had difficulty climbing or descending ferry stairs including difficulty identifying ferry stair or step treads? If so, could you describe the situation and suggest any improvements?

The suggestions in both the regulatory and non-regulatory options will enhance stair safety and accessibility.

## 59. Stairs on buses

### Consultation questions

1. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

2. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

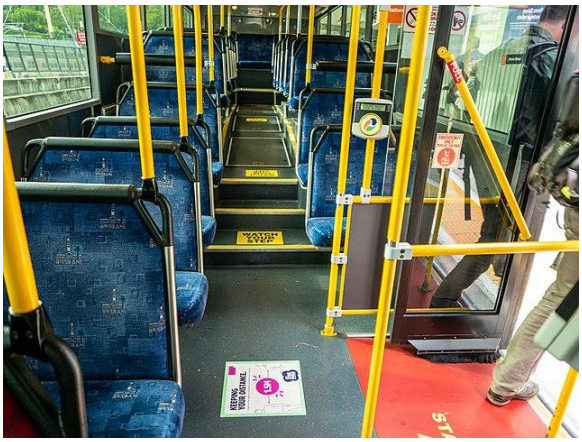
Both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

3. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Retrofitting existing buses may introduce some costs but these are likely to be minor. Many operators have fully complied already and these will not be affected. Design Rule 58 still takes precedence so no major structural changes will be required.

4. Have you, or your passengers, ever had difficulty identifying bus stair or step treads while climbing them? If so could you describe the situation and suggest improvements?

The suggestions in both the regulatory and non-regulatory options will enhance stair safety and accessibility.

| Contrasting strip and handrails at front entrance. | Contrasting strips on internal step nosings. |
|---|---|
|   |  |

## 60. Doorway contrast and height

### Consultation questions

1. To what extent does the issue impact you?

Being able to recognise a door and its height is both a safety and accessibility issue. In the case of passenger opened doors it is imperative to boarding and alighting that the door be recognisable.

2. What is your preferred option: status quo, non-regulatory or regulatory option? Why?

A regulatory option is supported as it gives measurable outcomes that permit complaint in the event of non-compliance. Non-regulatory advice may not be followed and as it is discretionary it would be difficult to successfully complain if it was not followed.

3. Do the non-regulatory and regulatory option/s provide enough clarity to ensure people with disability would be able to access public transport without discrimination?

Both regulatory and non-regulatory options are quite clear and if followed will give good outcomes.

4. Are there any challenges (i.e. physical, technical, operational, etc.) that could impact the implementation of the requirements of any option?

Many operators are already complying with the requirements of the proposed door reforms. There would not seem to be any significant challenges.

5. What is your experience of locating doors on conveyance access paths and at entrances?

a. Have you, or your passengers, ever mistaken a part of a conveyance for a door, or a door as part of the conveyance?

Fully glazed doors are easily mistaken for opening by people with low vision or cognitive impairments. For this reason, the Premises Standards require doors and door feature to have contrasting features.

b. Have you, or your passengers, ever mistaken a gap between conveyances for a door? If so, can you describe the experience?

Incidents where people with vision impairment stepped between train carriages, mistaking the gap for an open door, have been reported.

c. Have you, or your passengers, ever found an external or internal door on a conveyance to be too low? Have you, or anyone ever struck their head because of this?

Taller people are sometimes obliged to duck under low doors. Head strikes occur on occasion.

| | | |
|---|---|---|
| Contrasting elements on rail car door.<br>  | Contrasting doors on rail car.<br>  | Contrasting doors on light rail vehicle.<br>  |
| Contrasting elements on light rail vehicle door.<br>  | Contrasting elements and yellow grabrails on bus door.<br>  | Contrasting elements on rail car internal door.<br>  |

## 61. Implementation approach

### Consultation questions

1. Have target dates for compliance in Transport Standards, Schedule 1 Target dates for compliance been successful in bringing compliance to public transport assets?

The target dates have been both a success and a failure.

Without the dates, much of the upgrade work that has been done would not have been done. The disability sector would have been locked into a long, grinding campaign of DDA actions, one asset at a time, in order to force change[43].

The target dates provided welcome relief from the complaints driven nature of the DDA and State acts against discrimination. Further, based on the imperative of the target dates many operators have already reached 100% compliance with their conveyances[44]. This good faith must be applauded.

Unfortunately, significant numbers of transport assets will not be compliant by their target dates. Even the most optimistic reporting by jurisdictions cannot disguise the fact that large, well-funded entities such as rail providers will have not kept pace with upgrading pre 2002 assets to meet the target dates.

### 2. What are the challenges and benefits to achieving compliance for existing assets under Transport Standards Schedule 1 Target dates for compliance?

As stated, ideally the target dates oblige action rather than action waiting on a DDA complaint or a major refurbishment that triggers full compliance of the asset. Jurisdictions are obliged to report on progress and can be criticised if they fall short of the mark.

The chief problem with the target dates is that they do not have legislated, associated penalties for failure and the target dates are not easily enforceable by DDA action. As such, they have lacked the funding priority that would have allowed the target dates to be met.

### 3. What is your preferred option: implementation option 1, 2 or 3? Why?

Option 1 is supported as the most flexible option for an upgrade schedule that has target dates.

Option 2 is acknowledged is a practicable alternative to option 1.

Both Options seem somewhat onerous in that assets upgraded to meet DSAPT 2002 would require further upgrade to meet the new DSAPT. This 'start again' strategy risks further delay to upgrading assets that did not upgrade to DSAPT 2002. 'Difficult' assets that were left untouched would re-enter a large pool of assets that were easier to upgrade and would continue to be untouched until the easier work was complete once again.

These 'difficult' assets deserve priority as they constitute gaps in the transport network that must be filled, rather than finessing already accessible assets to a new DSAPT's requirements.

During the process of consultation, the practice of 'grandfathering' existing assets or Sections that currently comply with DSAPT 2002 should be discussed.

Option 3 is an incentive to not upgrade assets and is completely rejected.

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[43] https://www.abc.net.au/news/2013-03-14/landmark-case-won-against-murrays-buses/4573776

[44] https://www.brisbane.qld.gov.au/traffic-and-transport/public-transport/buses/bus-accessibility

4. Where you have been unable to reach full compliance under the Transport Standards what mechanisms have you used to provide accessibility for public transport users?

Operators and providers have attempted solutions that include directing people to adjacent accessible facilities via online or hardcopy media, offering booked or unbooked direct assistance, pleading unjustifiable hardship or working through equivalent Access solutions. These strategies have worked in some instances but by no means in all.

5. Is there sufficient clarity around when the triggers outlined in the Transport Standards section 32.1 Effect and application of these Standards are activated and when an existing asset should comply with the new requirements?

The triggers are abundantly clear even to the lay person.

6. What impact does enforcement of target dates (or lack of enforcement) have on the success of using a schedule mechanism to reach compliance?

Target dates are not enforced and no legal mechanism to allow this exists[45]. In the case of Haraksin v Murrays Australia Ltd (No 2) [2013] FCA 217 (14 March 2013) Nicholas J found:

> Nicholas J stated that non-compliance with the Transport Standards does not of itself provide a sufficient basis for a person to lodge a complaint under section 46P or to commence proceedings under section 46PO(1). Nicholas J states that this is because non-compliance with the Standards does not of itself constitute unlawful discrimination.

Complaints are limited to individual assets or in unusual case to classes of assets.

A mechanism to enforce target dates would see rapid improvement in the accessibility of public transport.

a. How does this impact accessibility of public transport?

Apart from corporate responsibility and reputational risk there are few incentives to upgrade assets. Thankfully these incentives have driven some very welcome improvements to the accessibility of public transport. Fear of a DDA action on specific assets has been a minor, but potential concern.

It remains though that a substantial number of rail stations, for example, are still not accessible and have utterly failed to be upgraded in compliance with the target dates[46]. Material from Table 3 of the Third Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)[47] details the scale of the problem.

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[45] https://humanrights.gov.au/our-work/legal/publications/casenote-haraksin-v-murrays-australia-ltd-no-2-2013-fca-217#:~:text=Ms%20Haraksin%20claimed%20that%20Murrays,Transport%202002%20(Transport%20Standards).

[46] https://www.abc.net.au/news/2022-03-23/qld-public-transport-disability-access-train/100913440

[47] https://www.infrastructure.gov.au/sites/default/files/documents/third-review-disability-standards-accessible-public-transport-2002-transport-standards.pdf

**Table 3 Snapshot of data demonstrating the accessibility of train stations reported by state and territory governments (as at December 2017).**

| State | Snapshot of data demonstrating accessibility of train stations achieved since the Transport Standards commenced in 2002 |
|---|---|
| NSW | 90 per cent of all rail journeys in Sydney were accessible.<br>56.5 per cent of all NSW stations are wheelchair accessible (209 stations out of a total of 370). |
| VIC | An additional 40 metropolitan stations have ramps to enter the station and platforms and lift availability. |
| Qld | The review advises that it did not receive a submission from Queensland Rail. |
| SA | 53.4 per cent of railway stations are compliant (47 of the 88). |
| WA | No compliance figures provided. |

Source: State government submissions to Third Transport Standards review. Available www.infrastructure.gov.au/transport/disabilities/third_review_public_submissions.aspx

Were rail operators and providers funded to upgrade in compliance with the target dates no doubt they would have. There would not appear to be any resistance to the idea of accessible rail assets, rather there is a shortfall of funding for accessible rail assets that would allow the target dates to be met.