



Submission to the Department of Infrastructure, Transport, Regional  
Development and Communications

**Response to the Reform of the Disability Standards for Accessible  
Public Transport Regulation Impact Statement**

**9 August 2022**

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## Who is the Physical Disability Council of NSW?

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

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

The objectives of PDCN are:

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

# Summary of Recommendations

## **1. Reporting**

*PDCN supports regulatory option 2. We also recommend that an independent administering body should be established to develop and administer the reporting framework, collate data, monitor the DSAPT's effectiveness and support the transport sector to meet their regulatory commitments.*

## **2. Equivalent access**

*PDCN supports the regulatory option*

## **3. Rideshare**

*PDCN supports the regulatory option*

## **4. Dedicated school buses**

*PDCN supports the regulatory option*

## **5. Better Communication of Accessibility Features**

*PDCN supports the regulatory option*

## **6. Timely Provision of Information**

*PDCN supports the regulatory option.*

## **7. Real Time Communication**

*PDCN supports the regulatory option.*

## **8. Passenger Location During Journey**

*PDCN supports the regulatory option, sub-option 2*

## **9. Hearing Augmentation on Conveyances**

*PDCN supports the regulatory option*

## **10. Hearing Augmentation: Infrastructure and Premises**

*PDCN supports the regulatory option*

## **11. Print Size and Format**

*PDCN supports the regulatory option*

## **12. International Symbol for Access and Deafness**

*PDCN supports the regulatory option: sub-option 1*

## **13. Letter Heights and Luminance Contrast of Signs**

*PDCN supports the regulatory option: Option 1*

## **14. Location of Signs**

*PDCN supports regulatory option: sub-option 1*

## **15. Braille Embossed (Printed) Specifications**

*PDCN supports the regulatory option*

## **16. Braille and Tactile Lettering for Signage**

*PDCN supports the regulatory option*

## **17. Lifts: Braille and Tactile Information at Lift Landings**

*PDCN supports the regulatory option*

**18. Lifts: Audible Wayfinding**

*PDCN supports either regulatory option 1 or 2*

**19. Lifts: Emergency Communication Systems in Lift Cars**

*PDCN supports the regulatory option*

**20. Lifts: Reference for Lift Car Communication and Information Systems**

*PDCN supports the regulatory option*

**21. Information and Communication Technologies (ICT) Procurement**

*PDCN supports the regulatory option*

**22. Mobile Web Systems**

*PDCN supports regulatory option 1*

**23. Accessible Fare System Elements**

*PDCN supports regulatory option 3*

**24. Doors on access paths**

*PDCN supports regulatory option 2, or alternatively regulation requiring at least one access path to have automatic, or power assisted doors.*

**25. Continuous access on access paths**

*PDCN supports the regulatory option.*

**26. Flange gaps within access paths**

*PDCN supports either regulatory option 1 or 2.*

**27. Resting points**

*PDCN supports the regulatory option.*

**28. Requirement for handrails in overbridges and subways**

*PDCN supports the regulatory option, with new handrails prescribed at 30-40mm diameter*

**29. Location of fare system elements**

*PDCN supports the regulatory option*

**30. Allocated spaces and priority seating in waiting areas**

*PDCN supports the regulatory option*

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

*PDCN supports the regulatory option*

**32. Emergency call buttons in accessible toilets**

*PDCN supports the regulatory option*

**33. Ambulant toilets**

*PDCN supports the regulatory option*

**34. Lift specifications and enhancements**

*PDCN supports the regulatory option*

**35. Specifications for escalators and inclined travellers**

*PDCN supports the regulatory option, with a preference for 1200mm width*

### **36. Poles, objects, and luminous contrast**

*PDCN supports the recommendations of the blindness/vision impaired community in this instance*

### **37. Lighting**

*PDCN supports the recommendations of relevant specialist representative bodies in this instance*

### **38. Signals and process for requesting boarding devices**

*PDCN supports the regulatory option, sub option 2*

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

*PDCN supports the regulatory option, sub-option 2*

### **40. Portable boarding ramp edge barriers**

*PDCN supports the regulatory option but does not have the expertise to recommend a particular ramp edge height*

### **41. Boarding ramp and removable gangway definitions**

*PDCN supports the regulatory option.*

### **42. Removable gangway design—ferries**

*PDCN supports the regulatory option*

### **43. Nominated assistance boarding points**

*PDCN supports option 1, sub-option 5 with an addition requirement to provide a call button at the designated assisted boarding area*

### **44. Identification of lead stops**

*PDCN supports the regulatory option.*

### **45. Pontoon boarding points on infrastructure**

*PDCN supports the regulatory option.*

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

*PDCN supports the regulatory option, option 2.*

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

*PDCN supports the regulatory option*

### **48. Accessible taxi ranks**

*PDCN supports the regulatory option. We do not support the proposed ratios and instead ask for a ratio of 1:5 accessible to standard taxi ranks. If there is only one taxi rank available, it should be accessible.*

### **49. Accessible passenger loading zones on-street**

*PDCN supports the regulatory option*

### **50. Accessible parking spaces in infrastructure off-street car parks**

*PDCN supports the regulatory option*

### **51. Grabrails on access paths**

*PDCN supports the regulatory option*

### **52. Grabrails in allocated spaces**

*PDCN supports the regulatory option*

### **53. Mobility aid movement in allocated spaces—passive restraints**

*PDCN supports the regulatory option*



**54. Mobility aid movement in allocated spaces—active restraints**

*PDCN supports the regulatory option*

**55. Appropriate seats on booked services**

*PDCN supports the regulatory option*

**56. Conveyance dwell times at stops**

*PDCN supports the regulatory option*

**57. Stairs on trains**

*PDCN supports the regulatory option*

**58. Stairs on ferries**

*PDCN supports the regulatory option*

**59. Stairs on buses**

*PDCN supports the regulatory option*

**60. Doorway contrast and height**

*PDCN supports the regulatory option*

**61. Implementation approach**

*PDCN supports the regulatory approach, option 2.*

## Introduction

PDCN appreciates the opportunity to provide input into the reforms of the Disability Standards for Accessible Public Transport 2002 – Stage 2 Consultation Regulation Impact Statement, and the ability to access, free of charge, the appropriate Australian Standards during the consultation period.

Accessible public transport is a vital component of public infrastructure for any inclusive community.

Public transport connects people to community, and facilitates an individual's engagement, both as a public citizen and community member. Public transport links people to services, business, education, recreation, employment – and each other.

For an estimated 1,056,440 individuals with physical disability across New South Wales,<sup>1</sup> accessible public transport is vital to realising independence and social inclusion. The Disability Standards for Accessible Public Transport (the DSAPT) has been instrumental in defining what our community can expect as their legal rights under the Disability Discrimination Act 1992 (Cth) (the DDA), and is useful as an authoritative tool across PDCN's systemic advocacy work across this space.

PDCN welcomes the opportunity to once more contribute to the review of the Standards and will refer to the specific proposals as well as broader areas of structural concern.

### ***The limitations of a RIS approach when considering regulation to achieve a social 'good'***

We have previously expressed our concerns in relation to the adequacy of a regulatory impact statement (RIS) lens as a mechanism in determining whether to regulate on broad 'social goods', such as disability inclusion and we retain these concerns.

There is a moral imperative which sits outside the framework of costs vs benefit that needs to be acknowledged and the decision '*to regulate or not?*' sends a significant message either way in terms of how Australia prioritises the rights of people with disability and its commitment to creating an inclusive Australian society.

Whilst we appreciate the complexity of budgetary constraints, competing government priorities and the fine balance needed to ensure a robust and effective Australian public transport system, we are mindful that applying an economic focus across decision-making in this context diminishes the importance of what are the fundamental human rights of the disability community.

When considering changes to the DSAPT it is important that policymakers understand and appreciate the interconnectedness of public transport across broader government portfolios such as employment, education, health, and social welfare. We are glad to see that the PWC RIS considers the qualitative benefits across each of the proposed areas for reform, albeit conservatively.

It is also important to consider how decisions might enhance or impede Government responses to anticipated future challenges across the public transport system; for instance, projected population figures and associated demographic changes.

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<sup>1</sup>Australian Bureau of Statistics, Disability, Ageing and Carers, Australia: Summary of findings 2019 <<https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/2018>> accessed 4 August 2022.

## ***Paywalls to accessing Australian standards remains a perpetual issue***

We have previously raised that Australian Standards are not publicly accessible and that the costs associated with purchasing these standards is outside the means of most within the disability community (including disability advocacy peaks).

While the Australian Human Rights Commission provides public resources on various aspects of accessible public transport, there are still major impediments in understanding the specific accessibility requirements across various aspects of public transport and this needs to be addressed if the disability community are to be able to fully appreciate - and realise- their rights under the Standards.

To this end we would call for fee free ongoing access to any Australian Standards for not-for-profit advocacy organisations in order to allow those organisations to fully address regulatory change or concerns.

## **Part 1: Transport Standards principles**

### **1.Reporting**

***PDCN supports regulatory option 2. We also recommend that an independent administering body should be established to develop and administer the reporting framework, collate data, monitor the DSAPT's effectiveness and support the transport sector to meet their regulatory commitments.***

We have previously commented on the various structural deficiencies in how the DSAPT is applied across the public transport system. A persistent concern has been the inability to track compliance across the public transport industry due to the lack of a centrally managed, consistent reporting framework.

We agree that consistent, national compliance reporting is necessary to provide a repository of quality compliance data to assist with measuring the efficiency and effectiveness of the Transport Standards. **We continue to have concerns that a complaint-based mechanism for driving compliance with the DSAPT is insufficient to realise Australia's commitments and see mandatory reporting on assets and places an unnecessary burden on the disability community to effectively 'police' public transport providers.** Mandating compliance reporting places the onus on the public transport sector and is a much more efficient way to identify, and respond to, systemic issues affecting compliance.

We would welcome the Australian Government working with state and territory governments, operators and providers and the disability community to develop a national compliance reporting framework and a database to receive and store compliance data for all public transport assets.

The legal requirement for states, territories, and public transport providers to report progress towards compliance across the DSAPT provides the level of accountability that we should be able to expect in the realisation of Australia's commitments under the United Nations Convention on the Rights of People with Disability (the UNCPRD) and would facilitate the Federal Government meeting its reporting commitments under Australia's Disability Strategy.

We anticipate that mandatory reporting could also assist the Australian Human Rights Commission (the AHRC) across its work in responding to human rights complaints from the disability community and when exercising its powers to grant exemptions to public transport suppliers.

PDCN supports reporting in line with Option 2, that is, Report compliance data on new or refurbished and upgraded assets AND all assets for select sections of the Transport Standards only. This option strikes a good balance between providing relevant and useful data (including the

capacity to assess compliance with the DSAPT across the whole of the public transport industry, whilst at the same time preventing this process from becoming unnecessarily cumbersome and time consuming.

It is satisfactory for public transport providers to provide data on refurbished and updated assets at a macro level in the first instance, so long as there is capacity for the reporting authority to make further inquiries if necessary to understand specific elements of non-compliance, for instance, if a public bus fleet is non-compliant due to the design of handrails.

An independent body should be established to develop and administer the reporting framework, collate data, and monitor the DSAPT's effectiveness. Such a body could also have advisory and educational functions akin to those described in option 1 including:

- *Guidance across the development of compliance plans and progress reports, including data to be included and what format compliance plans and progress reports should be published in consistent definition of terms*
- *Frequency of renewing compliance plans and providing compliance reports templates to support national consistency in reporting*
- *Guidance on how compliance plans and reporting could be published, ensuring they meet accessibility requirements*
- *How data will be used.*

We agree that there should be allowances for scalability, in recognition that public transport operators and providers have different capacity to develop and implement compliance plans and progress reports.

## 2. Equivalent access

### ***PDCN supports the regulatory option***

We appreciate that equivalent access has been used to date to allow public transport providers to find innovative ways to achieve equivalent access via other means to those expressly prescribed under the DSAPT.

Allowances for equivalent access can facilitate better outcomes, including faster resolution of accessibility issues, for the disability community, but at the same time, we can see how such allowances might be utilised to achieve what is, in essence a '*cheap fix*' which is not fit-for-purpose and agree that it is neither in the interests of the sector or the disability community for the determination of whether equivalent access has been met to only be available through a court determination.

**Mechanisms need to exist to track whether a proposed alternative constitutes a satisfactory alternative to prescriptive requirements under the DSAPT. At the same time, it must be established that any alternatives explored to achieve equivalent access are determined in codesign with the disability community and are safe for use.**

We do not agree that the provision of equivalent access constitutes the satisfactory resolution of an accessibility issue without further scrutiny.

Providers should be required to periodically provide information to support the ongoing use of alternative solutions in lieu of DSAPT specifications. We agree that it would be useful to have a database that features successful examples of equivalent access as a reference for public transport providers who may be experiencing problems meeting requirements under the DSAPT, and who might want to utilise the DSAPT's equivalent access provisions.

**PDCN supports the regulatory option in relation to this issue. We see value in the incorporation of an accreditation system to provide certainty to both industry and the disability community. Applying a regulatory framework which requires a comprehensive design brief and analysis is essential in ensuring that a particular standard is met across all modes of public transport and would provide assurance to the disability community.**

### 3. Rideshare

#### ***PDCN supports the regulatory option***

PDCN agrees that people with disability should be afforded the confidence that the Transport Standards will enshrine (or include) all public transport services. Rideshare is now a common transport option with appeal to many of our members, and we are aware that at least some rideshare schemes have indicated interest in servicing the disability community.

Although we acknowledge that regulation might be a disincentive for members of the rideshare industry to expand their scope into servicing passengers with disability, it is more of an imperative that passengers with disability, who use rideshare services are guaranteed safe, comfortable, and inclusive travel experiences.

We would support regulation to clarify both the types of services that might be covered under the inclusion of 'rideshare' as a category of public service and to explicitly bring providers of rideshare services under the DSAPT's authority.

Given that such a move may require business practice changes across the Rideshare industry, it would be useful to incorporate guidance and an education campaign this option will provide advice on requirements of transport services to ensure conveyances are compliant with the Transport Standards.

### 4. Dedicated school buses

#### ***PDCN supports the regulatory option***

We agree that there is ongoing public confusion regarding the extent to which designated school buses are required to be compliant with the DSAPT. We are aware that many families with children with physical disabilities are forced to rely on taxis to convey their children to and from school, but that taxis are more expensive, and less reliable than scheduled bus services, particularly in remote and regional areas where services are limited.

Access to education is a fundamental right under the United Nations Convention on the Rights of People with Disability (the UNCRPD). Children with disabilities should be able to travel on buses both to and from school and when participating on off-site activities, preferably alongside their able-bodied counterparts. We agree that access to accessible school buses would realise the qualitative benefits outlined in the RIS. We also anticipate that there may be savings to the NDIS scheme across participant plans, which currently allocate funds of up to \$3456 per year to participants who study more than 15 hours a week and cannot use public transport on account of their disabilities.<sup>2</sup>

It is unacceptable to us that school buses are currently exempt from several key requirements for buses under the DSAPT. We are keen to an amendment to the DSAPT to remove all distinctions between dedicated school buses and other buses. We note that in circumstances where this may be difficult to achieve in practice, for example, in locations with challenging road terrain or route accessibility, suppliers will be able to seek specific exemptions via the AHRC (Australian Human Rights Commission).

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<sup>2</sup> Commonwealth Government, National Disability Insurance Agency, *Transport Funding* <Transport funding | NDIS> accessed 4 August 2022.

## Part 2 - Information, Communication, and Wayfinding

### 5. Better Communication of Accessibility Features

#### ***PDCN supports the regulatory option***

There is a great need for transparency and universality in transport around definitions, terminology, and general communication of accessibility. This has been noted as a continued issue for our members as the lack of regulated and universal communication becomes confusing especially for multimodal travel.

*"I think consistency of terminology and information would make things so much easier for many of us. My concern around what they're proposing again is this use of the word "guidelines" because that automatically sort of, [...], being a catch all takes us away from consistency, because you've still got a high degree of interpretation, or it's an optional system for people to opt in to. So, I think if we're going to make steps forward and I think it would be valuable to have consistency of information and it also has a sort of trigger to make sure that providers are also having consistency in approach, that it should be more regulatory rather than a guideline."*

PDCN Member with Vision Impairment

Regulation in this area is integral to people with disability securely and safely using public transport for a whole of journey trip and may reduce the anxiety of having to understand different definitions of accessibility. This will allow for greater trust and inclusion in public transport and encourage greater uptake from our members.

### 6. Timely Provision of Information

#### ***PDCN supports the regulatory option.***

It is a worrying issue that the Transport Standards do not currently require accessible public transport information to be provided in a preferred format in a timely manner. It is extremely concerning there is no requirement for transport providers to have less commonly requested formats of accessible information ready in anticipation of a request.

It is outlined in the Disability Discrimination Act (DDA) that a person with a disability has the right to have access to place used by the public. This includes public transport and access to integral information regarding transport. Specifically outlined in the DDA is the expectation that **information available to users of the premises should be accessible**<sup>3</sup>. Non-provision of this information discourages people with disability from confidently using public transport, and discriminates against people with disability, inhibiting the inclusion of the whole community in a public space.

We support the regulatory amendments pertaining to conveyances, premises and infrastructure that require information in infrequently requested formats be provided in a timely manner and equivalent access be provided directly to assist customers until request is fulfilled. This option is essential in the Transport Standards living up to human rights standards for people with disability.

### 7. Real Time Communication

#### ***PDCN supports the regulatory option.***

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<sup>3</sup> Australian Human Rights Commission, The D.D.A Guide – The Ins and Outs of Access <https://humanrights.gov.au/our-work/disability-rights/dda-guide-ins-and-outs-access> accessed 4 August 2022

There is need for greater regulation in the conveyance of real time communication to users of public transport with disability. We support a regulated approach as suggested by the RIS, however call for mandated training in disability awareness for operators and providers as opposed to the recommended guidance outlined in the regulatory option.

People with disability often require real time communication with service providers to use transport safely and confidently. This availability of real time communication for the use of transport can be related to the DDA, through which **providers of services, including transport, have the legal expectation to provide an accessible and equitable level of service to people with disability**<sup>4</sup>.

We have heard accounts from our members where this has been an issue while using public transport.

*"I have been in multiple occasions where I'm sort of, like, [...] when is a point where the person has forgotten a ramp and I'm like, "Well, how soon are they gonna take off without having me in there?"*

Power Wheelchair User & PDCN Member, Sydney

In regards to the recommended disability awareness training for operators and providers, we call for mandated training for operators and providers across transport. The approach of this should be implemented in a customer centred approach and will be a step forward in addressing the issues surrounding information, communication and wayfinding addressed in the RIS.

***A customer-centred approach that focuses on 'the whole journey' is required.***

We are conscious of the limited framing of training in the RIS as 'disability awareness'.

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

Knowing staff are trained to be aware and responsive to the access needs of people with disability would greatly enhance our members' confidence in, and use of, public transport.

## 8. Passenger Location During Journey

***PDCN supports the regulatory option, sub-option 2***

It should be an expectation that people with disability will receive the same and adequate level of information available to all passengers across all transport during a public transport journey. The varying needs of people with disability must be supported no matter where they are seated or positioned on public transport.

As the DDA outlines, **rather than being confined to a segregated space or the worst seats, all areas within places used by the public should be accessible to people with a disability**<sup>5</sup>. This includes access to arrival and next stop information.

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<sup>4</sup> Australian Human Rights Commission, The D.D.A Guide – Buying Goods and Using Services <<https://humanrights.gov.au/our-work/disability-rights/dda-guide-buying-goods-and-using-services>> accessed 4 August 2022.

<sup>5</sup> Ibid.

There is a need for regulation to provide consistency of information for all passengers on an equitable level. We support amendments to the Transport Standards to include the following under the **regulatory option, sub option 2:**

- *Visual information display of next stop must be visible from all seats and allocated spaces.*
- *Audio announcements of next stop broadcast over an onboard public address system must also be provided via a hearing augmentation system complying with AS1428.5 Design for access and mobility, Part 5: Communication for people who are deaf or hearing impaired, section 3.2.*
- *Announcement of the side or door / gate through which a passenger must alight, must be made where side or door / gate for alighting can vary.*

We support sub-option 2 of the regulatory option, as it allows for the greatest level of inclusion for people with disability. Our members having consistent access to information across their whole journey travel on public transport systems will promote confidence and inclusion using these services for people with disability.

## 9. Hearing Augmentation on Conveyances

### ***PDCN supports the regulatory option***

The current Transport Standards only requiring 10% coverage by an amplified system that communicates information to people with telecoil implants is not acceptable. This level of coverage is blatant inequity for people who rely on hearing augmentation systems for information on public transport.

**PDCN highly recommend implementation of the Regulatory Option 1 Sub-option 1 which requires 100% of the area on conveyances covered by the public address system.**

Updates to the Transport Standards are desperately needed for the continued inclusion of people with hearing impairments. While PDCN does not claim to have expertise in this area, we express support for the regulatory option as a common-sense improvement of accessible transport standards.

## 10. Hearing Augmentation: Infrastructure and Premises

### ***PDCN supports the regulatory option***

The current Transport Standards only requiring 10% coverage by an amplified system that communicates information to people with telecoil implants is not acceptable.

PDCN supports a regulatory move to keep up with the Premises Standards' requirement of 80-95% coverage. We iterate again, updates to the Transport Standards are desperately needed for the continued inclusion of people with hearing impairments. While PDCN does not claim to have expertise in this area, we express support for the regulatory option as a common-sense improvement of accessible transport standards.

## 11. Print Size and Format

### ***PDCN supports the regulatory option***

Regulations and requirements for print size and format must follow a best practice design and model. This promotes inclusion for people with disability and allows for effective sharing of information. PDCN supports the regulatory option pertaining to amendments to transport standards section 27.3, which involves:

- *Copy must be black on a light background or achieve a 75 per cent luminance contrast between text and background.*
- *Font weight must be semi-bold or bold.*



- *Text must be left justified with a ragged right margin.*

PDCN acknowledges that this is not an area of our expertise, and we defer appropriate comment to the views of our colleagues in the Vision Impaired/Blindness community.

## 12. International Symbol for Access and Deafness

### ***PDCN supports the regulatory option: sub-option 1***

It is important for the inclusion of people with disability that the size of accessibility symbols complies with standards of accessibility under AS1428.2 (1992) Design for access and mobility, Part 2: Enhanced and additional requirements—Buildings and facilities, Table 1. Consistency of symbols for accessibility is integral to the provision of information and whole of journey travel for people with disability. The harmonisation of the transport standards and premises standards will provide greater clarity and ease of use of public transport.

## 13. Letter Heights and Luminance Contrast of Signs

### ***PDCN supports the regulatory option: Option 1***

There is a need for clarity regarding letter heights and luminance contrast of signs for public transport. The introduction of regulations around this will create a greater coherence across public transport services and allow for consistency that will provide accessibility in signage for the whole of journey for people with disability at the benefit of the whole community.

## 14. Location of Signs

### ***PDCN supports regulatory option: sub-option 1***

Signage in public transport services is vital for users of transport to be able to quickly gather information regarding their travel, available services, and orientation.

*"In terms of accessing them [ferries], if you don't use spoken word as your language, or something like that, that blue accessibility print that's on the ground, [...], when I first ever caught a ferry by myself in a chair, I sat on that thing! And it had the sign next to it, saying, "Staff will assist you. Sit on the spot." And, like, I just missed the ferry. Nobody even looked at me. Nobody even went to that spot."*

*Wheelchair User & PDCN member*

There is a need for clarity and consistency throughout the transport networks in this area, as the standards have not been updated since 1992. While there is no evidence these requirements are not fit for purpose, they do not include requirements for Braille and tactile formats. It is integral that all users of public transport can access information through signage, otherwise transport becomes inaccessible and difficult to navigate.

**We support the regulatory option in this area**, and support and encourage amendments to current standards that have not been updated for 30 years.

## 15. Braille Embossed (Printed) Specifications

### ***PDCN supports the regulatory option***

PDCN consider the regulatory option to be the most effective in ensuring that the Braille used is the most universally recognisable, but acknowledge that this is not an area that PDCN specialises in. We advise our comments on this issue deferred to the views of our colleagues in the Vision Impaired/Blindness community.

## 16. Braille and Tactile Lettering for Signage

### ***PDCN supports the regulatory option***

PDCN consider the regulatory option to be the most effective in ensuring that the Braille and tactile lettering used is the most universally recognisable in the conveying of signage information, but acknowledge that this is not an area that PDCN specialises in. We advise our comments on this issue deferred to the views of our colleagues in the Vision Impaired/Blindness community.

## 17. Lifts: Braille and Tactile Information at Lift Landings

### ***PDCN supports the regulatory option***

PDCN supports the regulatory amendments of the transport standards section 13.1 to include lift landings to provide Braille and tactile lettering for identification of platforms, road reserves, parking or passenger loading areas, streets, or facilities. And for overbridges, subways of concourses to have Braille and tactile signs to identify levels. The implementation of these amendments will provide people with disability who are vision impaired the ability to safely and comfortably complete journeys using public transport and promote a greater sense of security across whole of journey travel.

We acknowledge that PDCN does not specialise in this area however and defers further comment to the views of our colleagues in the Vision Impaired/Blindness community.

## 18. Lifts: Audible Wayfinding

### ***PDCN supports either regulatory option 1 or 2***

Audible wayfinding on lifts is essential for the safe and effective use of transport infrastructure and whole of journey travel for people with disability. Current regulations that only require oral identification of floor levels if the lift serves three or more floors is not acceptable and can become a hazard and safety issue for those that rely on audible cues.

PDCN support a regulatory option to amend the Transport Standards section 13.1 to include audio information announcements on multi-platform structures without a three-level minimum. We understand that the DSAPT RIS has outlined two options regarding this issue. The scope of our knowledge does not cover the technicalities of audible wayfinding; however we strongly advocate for a minimum standard that **audible wayfinding should be made available for users of public transport which is covered by either option 1 or 2 or the regulatory option.**

## 19. Lifts: Emergency Communication Systems in Lift Cars

### ***PDCN supports the regulatory option***

Current emergency communication systems in lift cars are not adequate for people with disability who are unable to communicate verbally and in English. This poses a great safety risk for these groups in the event of an emergency, with no way to have assurance that help has been called under the current arrangements.

The regulatory option to amend section 13.1 of the transport standards including the specific guidance of:

- *Deaf, hard of hearing, speech impaired or non-verbal passengers travelling in a lift car should be as able to communicate with staff in an emergency in an equivalent means to other passengers. If any of these passengers initiate the emergency call, they should receive a message or signal confirming their call has been received and will be acted upon*
- *This confirmation should be verbal but also include a text message located adjacent to the emergency communication system. The text should state 'help coming' or similar and illuminate on the control room's*

*receipt of the emergency call by the passenger. This exceeds the requirements of AS1735.12 (2020) but will be of reassurance for passengers not able to verbally interact with staff over the intercom system*

- *If the communication system involves an induction loop system, the symbol for hearing should be located adjacent to the microphone*

This ensures that, in the event of an emergency, people who do not communicate verbally or are hearing impaired are notified of assistance being alerted. For people with disability, this is integral to remaining independent while using public transport and allows for a greater sense of safety and trust in the transport system.

## 20. Lifts: Reference for Lift Car Communication and Information Systems

### ***PDCN supports the regulatory option***

PDCN consider the regulatory option to be the most effective in the communication of information for those using the hearing loop system, but acknowledge that this is not an area that PDCN specialises in. We advise our comments on this issue defers to the views of our colleagues in the Deaf community.

## 21. Information and Communication Technologies (ICT) Procurement

### ***PDCN support the regulatory option***

It is increasingly important for ICT procurement to be accessible for people with disability on public transport systems. As technology is becoming an ever more integral part of daily life, standards for public services must keep up with accessibility and usability of these technologies.

Not upholding regulatory standards of accessibility on ICT procurement blatantly discriminates against those who require certain levels of access to be able to use technology. This dissuades people from using public transport systems through no choice of their own, hindering the independence of people with disability in the community.

PDCN support the option to regulate ICT procurement in the Transport Standards with implementation and compliance of the to a minimum WCAG 2.1 AA level as best practice for ICT accessibility.

## 22. Mobile Web Systems

### ***PDCN supports regulatory option 1***

It is important to understand mobile and personal technology devices are commonly used by members of the community for the gathering of information. This is especially relevant in the context of public transport use and trip planning. It is integral that people with disability receive this same level of access. Using popular third-party apps to check service information is common for transport users, and often not accessible.

*"I just use the app Trip View often for information. And I went to go and check, and a lot of the times the information is really vague, in the sense that it's just this line, this line, this line. They give you a number to contact, which you can't even tap on to really call them, so you kind of have to memorise these digits to call them, and they don't even answer the phone anyway. [...] I have to specifically go in and check."*

Power Wheelchair User & PDCN Member

PDCN supports Regulatory Option 1 as the best practice for accessibility of mobile web systems. The provision of transport information to passengers via apps and other mobile web systems must meet WCAG 2.1 AA requirements as a minimum. These systems requiring standards for accessibility across transport networks and providers instils a greater level of confidence to people with disability who wish to use public transport, and gives equitable access to important transport information in a timely manner with independence.

## 23. Accessible Fare System Elements

### **PDCN supports regulatory option 3**

Accessible fare systems are fundamental in the independent use of public transport for people with disability. When systems become outdated, and standards do not keep up to date with changes in the technology and how systems are rolled out, it becomes an issue as accessibility is not considered. Current standards outline that **fare payment and ticket validation systems must not require actions from passengers with disabilities that exceed the requirements for other passengers**. This has not been the experience of our members, as transport fare systems can often be difficult to use independently as desired.

*I can't physically use the Opal card, even though it's locked and loaded, 'cause it's great that you can go online, add money to it - awesome. But I can't physically tap... I mean, even if they put the tapper thing maybe on the side of the barriers, so you could just kind of swipe your wheelchair across. Or, you know, if you just imagine you're standing with your hands beside your side, at that level, where you can sort of maybe fix something there and it will just open that way. So, the placement is probably wrong.*

PDCN member & wheelchair user.

From user experience of public transport fare systems, it is obvious there is need for regulatory requirements of accessibility across the transport sector. PDCN supports the regulatory option 3 in the Transport Standards as the option that will allow for the greatest level of independence and confidence in the use of public transport for people with disability.

The requirements of fare and ticketing systems to comply with Australian Standards and the WCAG 2.1 AA will allow people with disability to use these systems without requiring actions exceeding those required from other passengers as outlined in the existing standards. The regulation of this in the standards will be able to hold transport services accountable for these accessibility standards and promote the social inclusion and independence of people with disability using public transport.

## **Part 3: Accessibility at stations, stops, wharves and access routes**

### 24. Doors on access paths

#### **PDCN supports regulatory option 2, or alternatively regulation requiring at least one access path to have automatic, or power assisted doors.**

Many of our members use mobility aids and experience difficulties in opening and closing doors manually. People who have limited hand function can likewise struggle with manual door handles and the process of turning or pulling doorknobs or handles. This can be highly inconvenient when trying to use public transport and reduces the capacity for people with disability to travel independently.

*I can't use my hands easily. I don't have strength. So, at train stations, I cannot open the door of the rest rooms because they're all spring-loaded.*

PDCN member with Cerebral Palsy.

While we appreciate that often people with disability are assisted either by staff or other passengers to manipulate doors if or when necessary, this is less than ideal and is not always guaranteed – our preference is always that an individual can navigate transport routes independently. We support the installation of automatic or power assisted doors to eliminate barriers people with disability face when using public transport and make access to conveyances and facilities easier.

Accordingly, we would support regulatory option 1 as best practice, however we appreciate that there will be circumstances where automatic or power assisted doors are impractical or feasible.

The alternative option - regulatory option 2- does not go far enough in terms of facilitating independence for people with disability.

**A possible alternative would be to require transport providers to provide automatic doors on at least one access path to travel unless this is not possible for safety or operational reasons (for instance buses and ferries) and across all accessible bathrooms as standard.**

## 25. Continuous access on access paths

***PDCN supports the regulatory option.***

*It's just understanding whether I can have a fully accessible pathway to get through every single stop...it really is about making sure that there are physically accessible ways that I can get into these forms of transportation.*

PDCN member & wheelchair user

We appreciate that difficulties can arise in compliance with the Standards in relation to continuous access on access paths when paths are owned and maintained by local authorities.

As there is no material change to the intent of the Transport Standards and no anticipated financial or operational impacts to operators and providers, we can see no reason not to regulate for continuous access on access paths and note that this would potentially provide enhanced clarification and understanding for local authorities with obligations to maintain these access paths as access to public transport providers.

## 26. Flange gaps within access paths

***PDCN supports either regulatory option 1 or 2.***

Many of our members use assistive technology such as motorised mobility devices, walkers, and frames, and as such, the width of flange gaps could pose a significant hazard.

*Research undertaken by the Australasian Centre for Rail Innovation (ACRI) into flange gap fillers concluded that significant entrapment and trip risks exist with the flange gaps at level crossings, particularly for those using wheelchairs, wheeled walkers, walking canes and prams.<sup>6</sup>*

It is our view that access paths across level crossings should only be used as an absolute last resort. In instances where this is not possible, we are in strong support of regulation that ensures that flange gaps are maintained at a width of no more than 40mm. For the purposes of our members, we see no material difference in whether regulatory option 1 or 2 were adopted.

We are curious to know whether tracks for other modes of public transport, such as light rail and trams, would be susceptible to the same flange gap issues. If this is the case, it would be appropriate to extend regulations to be inclusive of these modes of transport as well.

We would also strongly suggest that warning signs be required on any rail crossing where the flange gaps exceed of the required 44mm.

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<sup>6</sup> Rail Industry Safety and Standards Board, RISSB Product Proposal (and Prioritisation), 2019 <2019\_02\_8-Guideline\_Guideline-for-the-Suitable-Treatment-of-Flange-Gaps-at-Level-Crossings.pdf > accessed 4 August 2022.

## 27. Resting points

### **PDCN supports the regulatory option.**

*'I'm now using a pram with my guide-dog, so my experience is now about making sure that the ramps are wide enough and that there's enough room in the accessible seating areas for a pram and the guide-dog. And when I'm out and about with my sister, who uses an electric scooter, we certainly take up a lot of room.'*

PDCN member – with vision impairment

There would be significant value in incorporating spaces for mobility aids beside designated rest points and seating. These spaces could not only be used for wheelchairs but also any other mobility support used by a person with disability, including guide dogs, to ensure that people who use accessibility aids, and their companions have equal and dignified access to designated rest spots. Having well designed spaces for people to rest along access paths enhances the transport experience for people with limited mobility and would likely encourage more use of public transport options.

We understand that the regulation would set a space that was sufficient for a larger mobility device, such as a power wheelchair – we would like to see this applied as the minimum regulatory requirement – to recognise the fact that on any one point in time, there may be multiple passengers who would benefit from the use of such a space.

PDCN supports the regulatory option. We would suggest that designated spaces for assistive technology have signage to prevent them being used inappropriately, e.g., to place luggage, like signage already used for priority seating on public transport. It would also be important to incorporate public education campaigning to ensure that passengers know the purpose of the spaces.

## 28. Requirement for handrails in overbridges and subways

### **PDCN supports the regulatory option, with new handrails prescribed at 30-40mm diameter**

It is logical that handrails on overbridges and subways are continuous where it is safe to achieve this, as this ensures that people who require additional support navigating these accessways can do so safely. This is particularly important in the context of the vision impaired/blind community, and on stairways, where there is additional risk of trips and falls.

We would support the regulatory option, and for new handrails, would like to see a prescribed diameter of 30-40mm across all new infrastructure.

## 29. Location of fare system elements

### **PDCN supports the regulatory option**

*I can't physically use the Opal card, even though it's locked and loaded, 'cause it's great that you can go online, add money to it - awesome. But I can't physically tap... I mean, even if they put the tapper thing maybe on the side of the barriers, so you could just kind of swipe your wheelchair across. Or, you know, if you just imagine you're standing with your hands beside your side, at that level, where you can sort of maybe fix something there and it will just open that way. So, the placement is probably wrong.*

PDCN member & wheelchair user

*The Opal readers, they're only on one side, so bad luck if that's a particular side you can't necessarily raise your hand, or whatever. It needs to be double-sided on the entry through turnstiles and so forth, and even going into buses needs to be double-sided, not just available on one side of the body.*

#### PDCN member & wheelchair user

The main concerns that have been raised by our members in relation to the positioning of fare element systems relates to the positioning of the devices to 'tap on and off' when using electronic tickets and the location and accessibility of ticketing machines.

We would support the regulatory option in this instance. Ticketing machines for opal card charging must be physically accessible, and able to be used by people from a seated position.

Opal card readers on gates should be positioned at a height that can be tapped at a seated position, and alternative methods of tapping on and off for those without the capacity to 'tap' such as auto-read tokens which can attach to a passenger's assistive technology device or person should be available as an accessible alternative.

Opal card readers should be available on either side of gate entrances. We anticipate that this would accommodate left and right-handed passengers, and passengers with limited physical functionality particularly on one side of their body.

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

#### ***PDCN supports the regulatory option***

It is our experience that there are seldom designated priority seating and spaces for people with disability in public transport waiting areas, even along high-volume public transport routes. Having clearly identifiable accessible spaces and priority seating in waiting areas would assist people with disability to comfortably wait for public transport.

We support regulation to ensure that public transport providers understand firstly, the sorts of waiting areas in which spaces and priority seating should be allocated for people with disabilities, and secondly what proportion of seating should be dedicated to meeting this requirement.

We agree that these spaces and seats should be clearly marked, and that allocated spaces should not encroach access paths. PDCN also supports this information being provided in the Transport Standard Guidelines and/or the Whole Journey Guide.

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

#### ***PDCN supports the regulatory option***

*"My sister is also on a wheelchair. I'm right-handed but she's left-handed. She realised that the orientation of the handles, where the handles are - whether it's in a train or a bus or in the rest rooms at train stations, or wherever it may be that her requirements are quite different from mine... I think one thing that the Standards should incorporate is to cater for both left- and right-handed individuals so that, you've got ability to hold on where you need to".*

Having an equal proportion of left-or-right hand configurations for bathrooms would increase the accessibility of a proportion of these facilities for our members who might otherwise struggle to transition from a wheelchair to a toilet. Toilets doors should specify on them whether they can accommodate left- or right-hand transitions so that passengers can clearly identify which bathroom is the most accessible for them.

We see the inclusion of regulation that specifies if two or more unisex accessible toilets are provided in a set of rail cars or on a ferry, these must be of both left and right hand and provided in equal or near equal proportion, as being best practice.

### 32. Emergency call buttons in accessible toilets

#### ***PDCN supports the regulatory option***

It is concerning that the Transport Standards do not currently stipulate that emergency call buttons be provided in all accessible bathrooms and agree that the positioning of call buttons next to the toilet at arm height level may not be effective if the person has fallen on the ground and cannot raise themselves up to press the button.

The usual processes of transferring, standing, and sitting on a toilet can all come with a level of risk, particularly for individuals who are frail or otherwise unstable. It may not be possible for individuals experiencing an emergency in the bathroom to be able to call out or otherwise summon help.

We consider that, in practice, sub option 1 may be the most effective. If the emergency button is co-located with the flush button, there is the risk that people with limited fine motor control may inadvertently hit the emergency button when trying to flush the toilet – we would suggest that user testing might be needed to determine whether this would be a potential issue.

### 33. Ambulant toilets

#### ***PDCN supports the regulatory option***

Currently most bathroom set ups offer a single unisex accessible bathroom in addition to standard bathrooms for males and females. Because there is no alternative, people who need handrails or support to get onto and off the toilet will often use the accessible bathroom because it is the only toilet with support bars.

People using wheelchairs can be frustrated that the only bathroom that is accessible to them is not available because it is being used by someone who does not require the turning space.

Providing a new model of ambulant toilet with increased accessibility features to a standard toilet cubical may be helpful in ensuring that accessible bathrooms are reserved for those who specifically need the turning space or who may need someone to manually assist them use the bathroom.

We would like to see a fair ratio of ambulant toilets to standard toilets wherever 'blocks' of toilets are provided. An appropriate ratio based on the rates of disability within the community would be 1:5 – in line with the ABS estimates on the prevalence of disability within the population.<sup>7</sup> We agree that ambulant toilets should be available for either gender where possible, or unisex only when there is not the option for both genders to be otherwise accommodated.

Our members can experience problems when travelling longer distances on transport such as buses, trains, ferries, and planes since these forms of transport often do not have the space to accommodate accessible bathroom facilities. It is not unheard of for people with physical disability to have to fast or limit fluid intake before trips to avoid having to use the bathroom – this is often uncomfortable, distressing and a serious disincentive to travel.

Where there are space constraints and no capacity to otherwise accommodate an accessible bathroom, the preference should be for any single bathroom to be constructed to unisex ambulant specifications.

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<sup>7</sup> Australian Institute of Health and Welfare, People with Disability in Australia, web report, updated 5 July 2022 <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/people-with-disability/prevalence-of-disability> accessed 4 August 2022.



### 34. Lift specifications and enhancements

#### ***PDCN supports the regulatory option***

We support the updating of lift specifications and enhancements to reflect new technological advances in this area. While we are unable to access AS1735.12 (2020) *Lifts, escalators and moving walks*, the new materials, and enhancements for existing requirements all appear sound.

### 35. Specifications for escalators and inclined travellers

#### ***PDCN supports the regulatory option, with a preference for 1200mm width***

We agree that many people who have limited physical mobility use escalators and inclined travellers and that this leads to situations where they are potentially sharing escalators and inclined travellers with passengers without disability. It is important that people with disability can use escalators and inclined travellers if they choose to and do so safely.

It is our experience that even though passengers are travelling in the same direction, the general practice is that many escalators and travellers effectively work with two “lanes.” People who are stationary remain to the left, while those who choose to physically step up the escalator or inclined traveller usually move around stationary passengers on the right. This is particularly common in train stations and other transport points where people are often rushing to catch public transport.

We think it would be advisable to prescribe a width of not less than 1200 mm to accommodate this practical reality. This would allow those moving more quickly to safely move around people who are stationary, whilst also hopefully also being able to accommodate smaller forms of assistive devices like walkers or allow a carer to stand beside and support a person with disability if required.

### 36. Poles, objects, and luminous contrast

#### ***PDCN supports the recommendations of the blindness/vision impaired community in this instance***

We can appreciate that the current provisions in the Standards relating to poles, objects and luminous contrast lack sufficient prescriptive detail on how to determine luminance contrast and are open to unreasonably broad interpretation. We agree that Standard AS1428.1 (2009) *Design for access and mobility* should be referenced in the Transport Standards, as it already is in the Premises Standards.

PDCN does not have sufficient expertise to comment on the options proposed in this instance and supports the recommendations of our colleagues in the blindness/vision impaired community.

### 37. Lighting

#### ***PDCN supports the recommendations of relevant specialist representative bodies in this instance***

It is clear since the last review of the DSAPT, that there have been significant developments in understanding how elements of lighting can impact individuals with different types of disabilities and it is only reasonable to incorporate new information into its new iteration, notwithstanding this, PDCN is not able to comment on behalf of those with sensory or psychosocial/neurological or cognitive disabilities.

We support the recommendations of relevant specialist representative bodies and those with lived experience in this instance.

## **Part 4: Accessibility of boarding and alighting and egress of infrastructure**

### 38. Signals and process for requesting boarding devices

#### **PDCN supports the regulatory option, sub option 2**

PDCN fully supports the view that passengers who require assistance to alight from public transport should be able to communicate the need for assistance in real time, rather than having to prebook assistance before a journey.

We agree that the use of a request signal device that can be pressed or touched which does not rely on an individual having to verbally request assistance is the most inclusive option. We note that there is not currently provision for a specific request signal in Australian Standard 1428.1 (2009) but that there is information about reach ranges for buildings and facilities (22 Reach Ranges at p.30) that is relevant for the positioning of an assistance button for people who are wheelchair users.

We would recommend that any assistance button be constantly illuminated to be able to be seen easily for people who are vision impaired, and that the button's purpose is clearly stated both in English and braille. The request signal device should be able to be operated as easily as possible – we would recommend a simple push button device that can be manipulated single-handed, including by those with limited fine-motor control and dexterity.

We agree that it is vitally important that passengers who require assistance with disembarking public transport to be aware that they are expected to notify staff at a point early enough that does not cause unnecessary hold ups or delays of any public transport.

Transport staff training is essential to ensure the process of obtaining assistance is well understood by all parties and is managed in a respectful manner.

*Overwhelmingly, I have found [train] customer service staff to be quite proactive and helpful, but its inconsistent, and there are certainly areas that I think we can work on for improvement.*

PDCN member with vision impairment

*Training bus drivers to not slam a ramp in my face, would be awesome. ... It's a bit harder in terms of getting on and stuff. I always feel like I'm a burden on the bus and I don't tend to catch the bus often purely because of that.*

PDCN member and wheelchair user

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

#### **PDCN supports the regulatory option, sub-option 2**

A consistent theme from our members who use assistive technology devices is that they prefer transport options that do not require them to seek assistance to board.

While passengers understand that it is within their rights to request assistance, even when this is actively encouraged by transport providers, there often seems to be a degree of discomfort in asking which can be heightened, based on the reaction of transport staff and even other passengers. It appears that even though public transport staff are aware of the requirement to assist to people with disability, there is often a sense that this is viewed as a chore or imposition.

*I find the light rail awesome. So easy to get on to. I don't to have wait for anybody, I can get on and off, and plenty of room in there most of the time, unless it's peak hour.*

PDCN staff member and wheelchair user

*I really, really, really love the Metro. The Metro has given me so much more confidence and more independence to be able to get on without having to go and find somebody and sort of organise that from that end.*

PDCN member and wheelchair user

*Training bus drivers to not slam a ramp in my face, would be awesome. ... It's a bit harder in terms of getting on and stuff. I always feel like I'm a burden on the bus and I don't tend to catch the bus often purely because of that.*

PDCN staff member and wheelchair user.

*Bus drivers can be impatient. Underlines the importance of driver education, better accessible design so it's simpler to get into the accessible seating area and perhaps wishful thinking but more buses so they're not so full and / or pressured to meet timeframes leading to impatience. That being said, I've come across the occasional helpful driver, but they are unfortunately the exception in my experience.*

Person with lived experience of Blindness/Vision Impairment

There is also currently no consistency in terms support for boarding across different conveyances or even different stations or routes. It has been noted that in major train stations like Central, staff will actively approach passengers to inquire whether they require boarding assistance, whereas one of our members described a situation at a ferry terminal where they went to a designated spot for boarding assistance, and then did not receive any help.

Passengers and public transport providers require clarity in terms of how and when notification needs to be given that a passenger will require a boarding device to alight or board a transport conveyance. PDCN agrees that there would be significant practical difference between requesting the need for a boarding device at infrastructure and premises verses boarding public transport itself.

It is important that any methods to flag that a boarding device is required are inclusive, that the process is not unreasonably complex and that passengers are afforded the same capacity to travel at short notice as any other passenger, but we appreciate that issues such as staffing levels (particularly at certain train stations that are not consistently staffed), WHS requirements and scheduling are also relevant considerations.

We have previously stated that we support the inclusion of a request signal device that can be pressed or touched which does not rely on an individual having to verbally request assistance is the most inclusive option of flagging the need for a boarding device. If the signal device is obvious and well positioned, it avoids the need for people with disability to have to actively approach staff to seek assistance or for staff to have to actively approach individuals to ask if they need boarding support. We imagine that for many passengers, a more impersonal process would reduce the anxiety that can sometimes arise in having to directly illicit support.

It is logical that a requirement for a call button device is regulated in the Standards and that such a call button is consistently luminated for maximum visibility. We support sub-option 2- call and control buttons must have an integral, continuously operating light.

Any call button (or buttons) also must be able to be accessed from a seated position.

#### 40. Portable boarding ramp edge barriers

***PDCN supports the regulatory option but does not have the expertise to recommend a particular ramp edge height***

The issue of portable ramp barriers has been raised anecdotally by our members and we agree that they are integral in ensuring that people with disability can feel confident to navigate ramps when boarding and disembarking public transport.

We support the inclusion of ramp barriers on all portable ramps regardless of the vertical rise, since it is always possible for passengers using assistive mobility devices to misjudge when navigating, which could result in the passenger coming off the side of a ramp and experiencing injury. We also support the use of ramp barriers wherever practical for fixed ramps.

We are not in a position to have a definitive opinion in relation to the height of ramp edge barriers, except to say that any height must take into account the varieties of personalised mobility devices currently available across the assistive technology market, should be sufficiently high to provide an effective barrier to prevent passengers using a variety of mobility devices from falling, whilst also being mindfully constructed to avoid likelihood of catching ankles, wheelchair footplates, or otherwise posing a hazard as a passenger enters the ramp.

#### 41. Boarding ramp and removable gangway definitions

***PDCN supports the regulatory option.***

We agree that the construction of boarding ramps and removable gangways are different and that there are unique challenges that are specific to removable gangways which make a distinction between these boarding supports and hence a clear delineation within the Standards is logical.

#### 42. Removable gangway design—ferries

***PDCN supports the regulatory option***

It's clear that the provisions of the transport standards as they currently stand do not reflect best practice design and safety for people with disabilities. The Standards need to reflect practical requirements around safety of passengers, including the need for sufficient overlap of the gangplank over both decks and the provision of bilateral handrails and edge barriers.

The issue of non-compliance with 6.2 of the Standards in relation to the gradient of gangways also needs to be resolved and we imagine separating gangways and ramps as separate devices for the purposes of the Standard will facilitate this. The introduction of specific requirements for gangways in the Standards, as separate to ramps, logically flows from a separate definition and would provide greater certainty for transport providers.

#### 43. Nominated assistance boarding points

***PDCN supports option 1, sub-option 5 with an addition requirement to provide a call button at the designated assisted boarding area***

PDCN agrees that areas for accessing public transport conveyances, such as platforms and bus stops, can be problematic to navigate for people with physical disability and it can often be hard at boarding points to locate facilities and services or even to simply get from 'A to B'. Many people with disability experience some level of anxiety in these contexts:

*I am vision impaired. For work, I have to go through Central [Station] Pre-COVID, at the busiest time, 7:30 in the morning, it was really stressful.*

PDCN staff member and stroke survivor

*During peak-hour times, say during morning office hours or evening office hours, at stations like Wynyard or Town Hall, where you have a very narrow strip, it becomes quite hard to position the ramp with all the people walking around. And I found myself, I think just because of the crowds, I was - I think*

*one or two times I just got concerned that the person carrying the ramp may not notice the wheelchair or may not get enough time before the train has to leave.*

PDCN member and wheelchair user.

*When I catch the train, I often kind of have to go up and down the platform to find a person! And then I go to, you know, the little office that they sit in and it has a number on there, and I ring it, no-one answers. So, sometimes I kind of... I'm like, "Hello? Anybody?!"*

PDCN staff member and wheelchair user

Regulating for the provision of designated assisted boarding spaces gives people with disability greater certainty that they will be able to receive the assistance they need – particularly if this is incorporated with a call button system - **but education must be provided to transport staff to ensure that they are aware of the existence of designated assisted boarding spaces, and that they know to check whether passengers are waiting in these spaces:**

*When I first ever caught a ferry by myself in a chair, I sat on [a designated assisted boarding spot] and it had the sign next to it, saying, "Staff will assist you. Sit on the spot." And, like, I just missed the ferry. Nobody even looked at me. Nobody even went to that spot. I worked in Collaroy and spent three or four years working out there, catching the ferry every day, and just realised that... they don't look at you in that space, which is totally fine for me, it doesn't bother me. But there's people out there that aren't as confident or don't want to speak up.*

*If something is there with signage, then you expect it to kind of happen. So, although I love the ferries, that part is a little bit lax, for me... If you don't speak up, then you'll just never catch a ferry because you'll never get on it! You'll be sitting on the blue spot!*

PDCN staff member and wheelchair user.

We agree that codesign with people with disability is important to ensure that designated assisted boarding spaces are well positioned and consideration also needs to be given around any constraints the positioning of a designated assisted boarding space might put on a passenger – for instance, restricting them to only being able to access one carriage of a train.

It needs to be specified across any educational materials for the transport sector that a nominated assistance boarding point is an aid to assist people with disability to easily access transport, but it should not reduce their options in terms of boarding transport, for instance, the choice to board into a quiet carriage on a train, or to board via the carriage in closest proximity to carriage bathrooms etc.

PDCN notes that many people who can board transport without assistance also experience distressing experiences when trying to board or alight public transport. Thought should be given towards how best to support individuals who can independently utilise public transport, particularly in the context of high-volume transport hubs.

*People just don't care about me. So, they'll push, they'll jostle. I'm trying to get on a train and there's the gap and they're pushing me and I'm nearly falling over. Just on the getting on a train at Central when it's really busy and I have to walk on the blue paving thing that they have there for the vision-impaired, and it's close to the train track, and I'm worried about falling over.*

*So, it's just things like that for me, that people don't really care about those that have minor disabilities or have an invisible disability - we're just not thought of. And so I don't take public transport as often as I can.*

PDCN member with hidden disability

We support regulation in this instance in line with option 1, sub-option 5 with reference to the need to provide a call button at the designated assisted boarding area.

#### 44. Identification of lead stops

***PDCN supports the regulatory option.***

We were not aware of the formal existence of lead stops and question the extent to which they are applied in practice across the transport sector, and this highlights the requirement for improved and standardised signage.

We agree that lead spots can be useful in allowing people with disability to know the best place to wait to board transport if they are clearly identifiable. PDCN support the incorporation of a combination of cues to mark lead stops including but not limited to overhead and tactile signs, tactile ground surface indicators, smartphone wayfinding or other electronic device solutions.

If lead stops are only utilised in certain hours, these hours should be clearly specified on signage marking the lead stop.

#### 45. Pontoon boarding points on infrastructure

***PDCN supports the regulatory option.***

Given the limits in terms of firm and level surfaces when securing gangways, it makes sense to prescribe separate guidelines for pontoon boarding points in the Standards.

PDCN submits that to the extent that it is possible, appreciating the range of uncontrollable environmental factors pontoons are subject to, regulations are important to ensure highest standards of safety for passengers with disability.

Putting transport providers on notice that they have a regulatory obligation to ensure that there is a flat and stable surface to deploy a gang way or other boarding device, and that they should make all reasonable efforts to minimise shifting of the boarding point appears to be a good compromise for this challenging element of transport infrastructure.

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

***PDCN supports the regulatory option, option 2.***

It is important that people with physical disability can safely board and alight from public transport. Critical to this, is a guarantee that people with disability, particularly those using assistive technology, can traverse boarding points via secured boarding devices.

We support the Standards including clear specifications on gradient and crossfall at boarding points as well as clarification where road gradients add an additional safety consideration.

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

***PDCN supports the regulatory option***

One of the many barriers experienced by people with disability in relation to the use of public transport is that there is a limit to how spontaneously they can use these services. People with disability must often meticulously plan journeys, including boarding points, to ensure that their accessibility needs are met. It is important that the Transport Standards regulate, to the greatest extent possible, to ensure that people with disability have greater travel flexibility.

The regulations proposed are a good compromise in that whilst they acknowledge that many elements of street infrastructure will not be in the control of the transport provider, drivers are

expected to provide hail and ride services to people with disability where safe to do so and provide portable ramps or other loading boarding devices.

If these changes were mandated, significant training across the public transport sector would be needed to change the culture we all too often see where public transport providers ignore or outright refuse to accept hail and ride requests from passengers with disability.

#### 48. Accessible taxi ranks

**PDCN supports the regulatory option. We do not support the proposed ratios and instead ask for a ratio of 1:5 accessible to standard taxi ranks. If there is only one taxi rank available, it should be accessible.**

Accessible taxi ranks are extremely important in ensuring that passengers can safely enter and exit taxis. It is important that the number of accessible taxi ranks meets demand and that people with disability are guaranteed a consistent (and importantly safe!) standard across all accessible ranks including temporary taxi ranks.

*There's a taxi rank out at Top Ryde, at the site of Top Ryde, and it has a little ramp and it kind of makes things a little bit easier, puts you on a little platform. Man, I wish they were everywhere! It's so frustrating to try and get a cab sometimes, 'cause there's either no kerb ramp, or you cut out in front of traffic and you're holding up all these cars, or scared that you're gonna get hit.*

*We support amendments to the transport standards to include requirements for accessible on-street taxi ranks to ensure that on-street taxi ranks will both connect to accessways and be accessible to passengers with mobility impairments.*

PDCN staff member and wheelchair user

Whilst we cannot access standard AS2890.5 (2020), the proposals for kerb ramps to be positioned to the rear of the accessible taxi space and the installation of bollards and warning TGSIs to differentiate between the footpath and the accessible parking space appear sound. We strongly support demarcation of accessible vehicle spaces in taxi ranks with bold 'keep clear' signage to ensure that passengers can be loaded and unloaded safely.

Whilst we agree that the first taxi rank should always be accessible. We would recommend 20% of all available taxi ranks be accessible or 1:5. If there is only one taxi rank, it should be accessible.

#### 49. Accessible passenger loading zones on-street

**PDCN supports the regulatory option**

There is an overall shortage of accessible on street loading zones for people with disabilities, which means that passengers often board or exit WATs and other small conveyance vehicles while having to navigate kerbs and traffic. This is both extremely unsafe and a major barrier to spontaneous travel.

It is impractical to expect the disability community to navigate different standards across different components of public transport infrastructure. Any lack of clarity is an obstacle when people with disability attempt to assert their rights under anti-discrimination law, as can be seen in the case study below:

*Anne\* contacted PDCN to ask how to resolve the issue of a footpath that was in poor repair and uneven, which affected her ability to access a bus stop. Anne had contacted her local council, which denied responsibility for the footpath and said it was Transport NSW's responsibility. She then contacted Transport NSW and was advised that it was likely to be a local council issue.*

We agree that the Transport Standards should be amended to include new requirements for on-street passenger loading zones to ensure that on-street passenger loading zones will be recognised

as wheelchair accessible taxi and small conveyance boarding points with technical requirements listed in Transport Standards as follows:

- Accessible loading spaces should conform to the requirements for on-street disability parking spaces as per AS2890.5 (2020), Clause 4.5.2 (a), (b), (c) and (f).
- If a kerb ramp is installed in an accessible passenger loading zone vehicle space, it must be placed to the rear of the accessible vehicle space &
- If an accessible passenger loading zone vehicle space is at the same grade as the adjacent footpath, bollards, and warning TGSIs as per AS/NZS1428.4.1 (2009) Clause 2.5 and Figure 2.5 (B) must be installed for the length of the same grade section.

And that the Guidelines should be updated to supply detail on the changes and how to practically implement them.

In terms of the number of accessible on-street passenger loading zones, we are keen to see the number of given spaces increased substantially. **One in every 5 on-street passenger loading zones should be accessible in line with national data on the prevalence of disability as a proportion of the overall population.**

**We support the first space of any bank of on-street passenger loading spaces being accessible, in acknowledgement of the fact that people with disability may experience fatigue or pain when travelling even short distances.**

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

### *PDCN supports the regulatory option*

We are extremely concerned that off-street carparks associated with public transport infrastructure or in carparks remote from the transport facilities do not have guaranteed accessible parking spaces.

There needs to be reliability - both that accessible parking spaces will be available and that these parking spaces will have reliable specifications. We agree that Accessible parking spaces should be located as close as practicable to the accessible entrance to improve amenity for people with disability.

We support the regulatory option. The Transport Standards should be amended to include new requirements for off-street parking areas associated with public transport infrastructure and specifications for accessible parking spaces.

PDCN does not support the proposed ratios. Given that one in five people identify as having a disability, it makes sense that 1/5 of all available spaces should be designed as accessible. It may be that there could be some variation in terms of the design of accessible spaces, for example, a select number of larger spaces specific for wheelchair access, and the rest a standard width, but designated as accessible for use by those displaying accessibility parking permits or senior drivers.

We agree that the demographics of the precinct also need to be considered, and that locations which have a population of residents or visitors who are likely to have a higher proportion of Australian Disability Parking Permits than average should be considered for more than the minimum number of accessible parking spaces.

## Part 5: Accessibility in Conveyances

### 51. Grabrails on access paths

#### *PDCN supports the regulatory option*



To provide people with disability equal access to public transport it is integral that access paths are truly accessible. The implementation of grabrails on access paths is more than just an accessibility issue, it is also a safety issue for people with disability. As Transport Standards currently stand, there is no requirements for support grabrails along conveyance access paths apart from luminance requirements. This is an issue that needs amending for the safety of people with disability at risk of falls and injury due to instability and transport infrastructure that does not suit their needs.

In Australia, falls are the largest contributor to hospitalised injuries, with 42% of hospitalised injuries caused by unintentional falls<sup>8</sup>. For transport standards to consider the safety of its users, it is integral that grabrails on access paths are included and implemented through a regulatory process to ensure the safety of users of public transport, especially those with disability.

## 52. Grabrails in allocated spaces **PDCN supports the regulatory option**

Current transport standards are outdated in their guidance in the layout of grabrails in allocated spaces and their luminance contrast in these areas. There is a need for amendments to the standards in this area and regulations to be implemented to avoid confusion and promote consistency among transport services and accessibility requirements.

Grabrails in allocated spaces are important in ensuring people with disability can use transport safely and independently. Grabrails are used for providing support for balance, reducing fatigue, holding weight while manoeuvring, and avoiding falls. Without fit for purpose policy regulations for grabrails on transport systems, there is cause for concern regarding the safety of people with disability and their ability to travel independently.

## 53. Mobility aid movement in allocated spaces—passive restraints **PDCN supports the regulatory option**

Under the current Transport Standards, information on the use of passive restraints on public transport is vague and mostly unregulated. Securing mobility aids is a matter of basic transport safety. Mobility aids can be extremely heavy and pose a risk to other passengers if they become displaced during starts, stops, and turns. They can also become damaged through sliding or tipping out of allocated spaces. Often is the case with our members that allocated spaces are not plentiful enough, and they are forced to stay in awkward and unsafe spaces for travel, often unrestrained.

*“Better access on the ferry as well in terms of seating. There's a couple of seats that are out of the way, but not quite enough. I always find I'm blocking the aisles all the time.”*

Wheelchair User and PDCN member

*“My wheelchair, for instance, it's an electric wheelchair, it's heavy. And I don't know if anyone has this problem, but the surface where you normally park your wheelchair, I'm not sure what kind of rubber or material it is, but because buses stop and start, I often find that my wheelchair gets pushed in one direction when the bus is suddenly stopping or when it's suddenly leaving the stop. And you end up sometimes getting stuck in a really awkward position and having to manoeuvre your wheelchair out of that.”*

Wheelchair User and PDCN member

A regulatory approach to passive restraints in allocated spaces that clearly defines requirements for containment of mobility aids to an adequate level on public transport would greatly benefit users

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<sup>8</sup> Australian Institute of Health and Welfare, Injuries in Australia – Falls, updated 16 June 2022  
<<https://www.aihw.gov.au/reports/injury/falls>> accessed 4 August 2022.

of public transport with disability. Having regulated implementation of passive restraints will create a greater sense of security for people with disability using transport, and in turn allows for more independent travel without compromising on safety for those who use mobility devices.

#### 54. Mobility aid movement in allocated spaces—active restraints

##### ***PDCN supports the regulatory option***

Amendments to the Transport Standards to include new technical requirements for active restraints and definitions of active restraining systems, and where they are mandatory, are welcomed. We have noted through our membership that in some cases, active restraints are beneficial for the safety of passengers, however these restraints must be clearly defined and explained through regulatory amendments in the Transport Standards to be most beneficial to people who require them.

*“Things more accessible for me, being a wheelchair user and people that I've worked with in the past would be some kind of locking mechanism on the bus. I pretty much go flying on the bus if I don't... You know, they kind of force you to sit is it backwards? Facing the back of the bus, I think. And I just refuse to do that, I sit sideways! Which probably adds to that awkward encounter in the beginning. But some sort of locking mechanism, especially for people that don't have hand function, or low hand function, or left and right can or can't hold on to the pole.”*

Wheelchair User & PDCN member

##### ***Limitations on the practical use of active restraints.***

*“I absolutely think [active restraints] should be provided but for numerous reasons it may not be possible for everyone to use thus creating another barrier to travel.”*

Person with lived experience of vision impairment/blindness.

We note that it is not uncommon for people on public transport to have bulky items that are not secured, for instance luggage, and we are mindful that requiring restraints for assistive aids where seatbelts are not needed, places a burden on people with disability which could be interpreted as discrimination. People with disabilities may experience difficulties in using active restraints themselves, which would require them to rely on aid from others.

Similarly, we know that some people with disability feel uncomfortable to use active restraints on public transport because it can be hard to independently release restraints to exit or release quickly in the case of an emergency.

Whilst we support the use of active restraints as the safest way to travel when using a mobility aid, mandating their use would limit the independence of people with disability and be problematic across forms of public transport which run to set timetables, such as trains, trams, and buses, or where there are limited staff and the potential of one or more people needing help to restrain their assistive aids.

Where active restraints have been mandated, for example, across all Wheelchair Accessible Taxis (WATS) time pressures are less of a problem and there is only a single passenger to help at any one time. Drivers must also undergo specific training and are paid a premium for this load and 'tie down' time.

#### 55. Appropriate seats on booked services

##### ***PDCN supports the regulatory option***

For people with disability, seating that is suited to their needs is essential in booked services as opposed to seating that is designated as a one size fits all for people with disability. People with disability deserve choice and accessibility of seating on booked services, with the ability to specify what is required from seating for it to be accessible for the user. This may include the seat being close to the bathroom, or an aisle seat for example.

These accessible seating requirements be prioritised for people with disability who need them in a booked seating arrangement, and regulations around requirements for people with disability accessing appropriate seating must be implemented. People with disability shouldn't have to make compromises on their safety and comfort when choosing and being allocated seats on booked services.

*"I need to sit where I need to sit because I have a disability, and I need to sit on the right-hand side of the aircraft so that everything is on the left so that when I need to exit, because the hostess is telling me too, I can see her. And some airlines are terrible at disability and booking a seat that is gonna meet your needs. Alternatively, I can just suck it up and pay for it, which I really don't like to have to do because it's disability-specific rather than I want to sit near the window because I want to sit near the window. I want to sit near the window, so everything is on my left and I see it and my leg and arm are out of the way."*

Stroke Survivor & PDCN Member

We are in support of a regulatory approach to appropriate seating on booked services for people with disability in the Transport Standards. An updated regulatory approach to accessible seating provisions that appropriately meet the needs of people with disability on booked services will allow for a greater sense confidence and independence for people with disability using transport and instil a greater level of trust between users and providers.

Regulation in the Transport Standards gives choice and control back to the consumer and people with disability when using booked service, promoting the use of these services with the understanding for users that their needs will be met equitably and not at the expense of their time and dignity.

## 56. Conveyance dwell times at stops

### **PDCN supports the regulatory option**

For transport to be truly accessible it is essential that people with disability can safely board and disembark from transport. Often it has been the experience of our members that there is little assurance that transport services will not leave without them, or they are unable to get off at their desired stop because there is simply not enough time allowed for them to enter and exit.

*"I have been in multiple occasions where I'm sort of, like, [...] when is a point where the person has forgotten a ramp and I'm like, "Well, how soon are they gonna take off without having me in there?"*

Power Wheelchair User & PDCN Member

*"During peak hour times, say during morning office hours or evening office hours, at stations like Wynyard or Town Hall, where you have a very narrow strip, it becomes quite hard to position the ramp with all the people walking around. And I found myself, I think I think just because of the crowds, I was I think one or two times I just got concerned that the person carrying the ramp may not notice the wheelchair or may not get enough time before the train has to leave."*

Wheelchair User & PDCN member

Regulations implemented in the Transport Standards relating to conveyance dwell times at stops that ensure people with disability are safely boarded and exited from transport are necessary. We support the proposed regulatory use of systems to assess movement on autonomous vehicles that

can be passenger initiated or sensor initiated to alert artificial intelligence systems of passenger movements to alter dwell times to allow adequate time for boarding and getting off conveyances at ease.

In non-autonomous vehicles, we support the regulated and ongoing training of transport staff and continued proactive observation of passengers. A regulated approach will create a deeper sense of confidence for people with disability using public transport systems, and will ensure journeys are less stressful, with people less likely to be unable to disembark at their desired stop through no fault of their own.

## 57. Stairs on trains

### ***PDCN supports the regulatory option***

Stairs on trains pose a barrier for many people with disability, with accessibility standards for stairs on trains not being met or unachievable, there is a need for better regulation. For those able to use stairs, it is integral to the inclusion of people with disability that these stairs are suitable and fit for purpose for a range of levels of mobility.

We support the regulatory option to amend current standards that are not fit for purpose to include modality specific requirements and align with updated standards of accessibility. It is essential that handrails are of appropriate length and size with physical indicators for people with low vision and blindness. It is also essential that handrails adhere to standards, having at least 30% luminance contrast with any background wall or surface within 2000 millimetres from the handrail.

Requirements relating to steps must be regulated across train systems to create greater consistency and inclusion for people with disability. We support compliance of the Transport Standards with existing Accessibility Standards, and stair and step geometry in line with **sub-option 2 – riser and going dimensions that are safe and fit for purpose**. Implementation of fit for purpose design must be done in co-design with people with disability to be truly fit-for-purpose, and these designs must be regulated for consistency across all train systems.

## 58. Stairs on ferries

### ***PDCN supports the regulatory option***

Stairs on ferries pose a barrier for many people with disability. With accessibility standards for stairs on ferries being unachievable, inconsistent, or non-compliant, there is a need for better regulation. For those able to use stairs, it is integral to the inclusion of people with disability that these stairs are suitable and fit for purpose for a range of levels of mobility.

We support the regulatory option to amend current Transport Standards that are not fit for purpose to include modality specific requirements and align with the National Standard for Commercial Vessels Part C Design and construction section 1 Arrangement, accommodation, and personal safety (2018) clause 5.12.

It is essential that handrails are of appropriate length and size with physical indicators for people with low vision and blindness. It is also essential that handrails adhere to standards, having at least 30% luminance contrast with any background wall or surface within 2000 millimetres from the handrail. Requirements for stairs must also be put in place to ensure they do not obstruct access paths.

We support greater regulation for stairs on ferries in alignment with existing accessibility requirements under the NSCV to ensure consistent, adequate, and achievable standards of accessibility are achieved across the ferry network.

## 59. Stairs on buses

### ***PDCN supports the regulatory option***

Stairs on buses pose a barrier for many people with disability, with current accessibility standards for stairs on buses being unachievable, inconsistent, or inadequate, there is a need for better regulation. For those able to use stairs, it is integral to the inclusion of people with disability that these stairs are suitable and fit for purpose for a range of levels of mobility.

To ensure stairs on buses are fit for purpose and design is accessible and feasible for use on buses, it is essential that design and implementation is regulated. We support amendments to the existing standards of accessibility that require:

- *Steps and stairs must comply with Australian Design Rule 58 to the extent that that rule sets requirements that conflict with these Standards.*
- *Step edges and stair tread nosing's must comply with AS1428.1 (2009) Clauses 11.1 (c), (d), (e), (f), and (g).*
- *Passenger doors must be fitted with handrails accessible when the doors are open and the minimum distance between the handrails of the door that provides the access path must be a minimum of 850 millimetres. For outward opening doors, handrails must be permanently fixed to the body.*
- *Steps and stairs must not intrude into access paths.*

In addition, it is also essential that handrails are of appropriate length and size with physical indicators for people with low vision and blindness. It is essential that handrails adhere to standards, having at least 30% luminance contrast with any background wall or surface within 2000 millimetres from the handrail. Requirements for stairs must also be put in place to ensure they do not obstruct access paths.

To ensure the inclusion and safety for people with disability using buses, it is essential that stairs are regulated and meet standards of accessibility to an adequate level. It is also essential that these standards are feasible in their implementation for appropriate use on buses. Amendments must be made to better regulate the use of stairs on buses to ensure people with disability are included across transport systems in an equitable whole of journey approach.

## 60. Doorway contrast and height

### ***PDCN supports the regulatory option***

The lack of requirements currently outlined in the Transport Standards on luminance contrast and minimum door heights create barriers for people with disability using public transport. Appropriate contrast and height for doorways on public transport is an important aspect for people with disability, especially those with low vision, in safely using transport systems. The current Transport Standards not including requirements for these aspects of accessibility relating to doorways excludes people with disability from the public transport system and minimises confidence in transport systems as accessibility requirements remain unregulated.

Amendments and consistency in the luminance contrast and heights of doorways will allow a level of predictability across transport modes. This instils a greater level confidence using multi modal transport for our members. Consistency in transport systems is a common issue for our members, as accessibility often differs when changing transport vehicles. Regulated consistency in accessibility requirements in the Transport Standards will help amend this issue.

**We support the regulated option** to amend existing accessibility requirements for luminance contrast and height clearance of conveyance doors. This regulatory approach will provide our members with greater confidence in using public transport, with a consistent approach to accessibility that can be expected across the whole journey.

## Part 6: Implementation

### 61. Implementation approach

#### *PDCN supports the regulatory approach, option 2.*

We agree that the adoption of the Transport Standards has resulted in significant improvements in the accessibility of public transport in line with Australia's international and domestic commitments to disability inclusion and anti-discrimination. The realisation of accessible public transport options is critical to the inclusion of people with disability as part of a community – a linkage to work, education, leisure, and vital services, including healthcare.

We want to see full accessibility across Australian public transport realised as soon as possible and are doubtful that the 2022 benchmark will be realised. We have raised concerns with the Australian Human Rights Commission several times regarding the extended timetable for compliance across trams and trains and have, in particular, opposed rolling exemptions to Australasian Railway Authority on the basis that we have seen no tangible evidence that efforts are being made towards achieving compliance – so we are hopeful that a consistent, national compliance reporting system, if implemented, will provide quality compliance data to assist tracking compliance across the industry and facilitate a greater level of public accountability across the sector.

We agree that it is important that transport providers have clear obligations in terms of compliance moving forwards. A new compliance schedule, with the new compliance schedule seems to be the most logical way of moving forwards, and we note that it is perhaps timely to revisit existing timeframes for compliance in any event, in the context of new pressures caused by a combination of external factors, including natural disasters, resource and material shortages, and the ongoing impacts of the Covid19 pandemic.

We would expect that part of the resetting of compliance targets would involve an audit of existing exemptions and timeframes with a view to reducing timeframes wherever possible.

A reset on compliance target dates, combined with a compliance schedule and reporting requirements will give people with disability far greater confidence in Australia's commitment towards public transport accessibility.

## Concluding comments

*'A key tenant of regulation is auditing of that compliance to a regulation'*

Person with lived experience of disability.

*'I think people with lived experience need to be at the centre of audit and regulatory regular checking of accessibility features for buildings, public buildings etc'*

PDCN member with lived experience of hidden disability

*'The lack of oversight and enforcement continue to be one of the biggest problems with achieving genuinely accessible public transport. We've all spent countless hours commenting and providing feedback on previous iterations of DSAPT and other standards and yet providers aren't held to account.'*

Person with lived experience of disability and disability advocate.

It is great to see that the vital issues of compliance and reporting are a key focus within this stage of the DSAPT review process. The capacity to enforce accessibility and accurately track compliance is vital in ensuring that public transport providers are accountable to passengers with physical disabilities and remain responsive to Australia's commitments both under the DDA and the UNCRPD.

In concluding our submission, PDCN seeks to raise several additional issues that were not explicitly raised in the RIS, but remain ongoing issues of concern in realising disability inclusion:

### **Reforms need to target air travel**

*"Going to the human rights commission is really the only way I can get this properly addressed, because the first step is mediation, and it brings you and the carrier together...no one else is policing it."*

*"There is no concerted or consistent approach among airlines and airports in how people in wheelchairs are helped, so you're left with people who are on their own, and they have to deal with any issues on an individual level."*

Tony Jones, Policy and Advocacy Manager, Spinal Cord Injuries Australia (SCIA)

We note that aircraft are conveyances for the purpose of the DSAPT.

It is disappointing that aircraft travel was not a specific focus of this review, as air travel is consistently problematic for people with disability, particularly those who use wheelchairs, and discrimination complaints to the Australian Human Rights Commission are not uncommon.

In Australia, commercial aircraft operators can mandate 'quotas' for passengers with disability on aircraft, limiting the capacity for people with disability to travel when and how they choose.<sup>9</sup> We have received several reports from our members of aircraft operators requiring people to transfer from their power wheelchairs to manual 'aisle chairs' from the point of check in, when there is no logical reason for this, and to do so can cause considerable pain, discomfort, and distress to the passenger.

At the same time, inconsistent policies around assisting passengers who require physical assistance to transfer between their own wheelchair and an aisle chair, has on at least one occasion resulted in

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<sup>9</sup> Redfern Legal Centre, *Media Release: Jetstar discrimination case goes to the Federal Court* < [Media Release: Jetstar discrimination case goes to the Federal Court | Redfern Legal Centre \(rlc.org.au\)](https://www.rlc.org.au/media-release/jetstar-discrimination-case-goes-to-the-federal-court)> accessed 8 August 2022

a member of the physical disability community being unable to receive the assistance they needed to transfer as required, and subsequently missing their flight.<sup>10</sup> These are only two of a range of complaints predominately focused on the smaller, low-cost providers.

Airlines should have greater accountability towards the accessibility needs of the disability community and more effort should be invested by providers in working in co-design with the disability community to ensure that those with accessibility requirements have equal access to convenient, comfortable, and dignified air travel. The standards regarding aircraft conveyances and airports should be reviewed as a matter of priority.

### ***Collaboration across all stakeholders is critical to realising whole of journey accessibility***

People with disability should have equitable access to a seamless public transport journey from door to door, and it is constantly frustrating for our members that there is no guarantee of this. We appreciate the complexities that exist across this space in achieving synergy – in particular in instances where there are split responsibilities between Local Government Areas, State Government and providers. Thought needs to be invested towards mechanisms and systems to encourage different stakeholders to work collaboratively with a goal towards realising ‘whole of journey accessibility’ for our members. At the same time, **broad consultation, and co-design with the disability across all stages of any reform process is vital to understanding both what is needed in the first instance and whether enhanced accessibility is realised.**

### ***A complaint-based mechanism is not fit for purpose as a mechanism for enforcement***

We have previously stated that the complaints-based model under the Disability Discrimination Act (the DDA) does not align with the objectives of the Standards.

It does not provide for any precedents that can be used to create broad cultural understanding and change, nor provide any consistent level of enforcement. If we expect uniform progress towards greater accessibility, there needs to be broad oversight and enforceability **driven by the government, not individuals.** It is also important that consistent interpretations of the Standards are established via body of caselaw.

If there is a movement towards resetting compliance targets, and collecting data on progress towards meeting these targets, **we need to consider how non-compliance is managed. We are not satisfied with the AHRC anti-discrimination process as the primary mechanism for driving compliance.**

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<sup>10</sup> Visontay, Elias, *Passenger kept from boarding after Jetstar’s refusal to assist with wheelchair makes discrimination complaint*, Guardian Online, Friday 5 August 2022 <[Passenger kept from boarding after Jetstar’s refusal to assist with wheelchair makes discrimination complaint | Human rights | The Guardian](#)> accessed 8 August 2022.