



Vision Australia submission

Stage 2 Reform of the Disability Standards for Accessible Public Transport: Draft Regulation Impact Statement

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Introduction

Vision Australia is providing a response to the Draft Regulation Impact Statement for Stage 2 reforms of the Disability Standards for Accessible Public Transport because access to public transport is one of the most important – and challenging – areas of community participation for people who are blind or have low vision. While the Disability Standards for Accessible Public Transport (“the Standards” or “the Transport Standards”) have undoubtedly led to an overall improvement in the accessibility of public transport, there continue to be significant challenges caused by rapid changes in public transport conveyances and infrastructure that have largely outstripped the scope of the Standards themselves as well as many of the Australian Standards that are referenced in them. The Stage 2 reforms are much needed, and we hope that the individual proposals that are eventually adopted will provide the Standards with the ability to address contemporary issues as well as a level of robust future-proofing.

Given the importance of accessible public transport and the significance of the current reforms, it is encouraging that the process for engaging with the Consultation Regulatory Impact Statement for the Stage 2 reforms has been so comprehensive, and that the timeframe has allowed an abundance of opportunities for organisations and individuals to provide input. Nevertheless, the sheer number and detail of the reform proposals has given rise to comments from organisations and clients alike that they would have found it easier to provide high-quality input if the 54/61 reform areas had been presented in two separate stages. The current consultation is undoubtedly the largest that we have been involved with since Vision Australia was formed in 2004. On balance, we believe that presenting the reforms as a single stage is likely to be the most effective and expeditious way of modernising the Standards and removing barriers that have arisen despite (and in some cases because of) the fact that the Standards have been largely unchanged since they were introduced twenty years ago.

In view of the thorough and comprehensive approach to the Consultation RIS, we are troubled and extremely disappointed that at no stage during the development of the various options for each of the 54/61 areas of reform was Vision Australia (and, indeed, other organisations in the blindness and low vision sector that we have asked) offered an opportunity to contribute. Throughout the Consultation RIS there is wording such as, “This reform area was developed by the Taskforce, under guidance of the Steering Committee. Consultation by these bodies was undertaken to identify possible areas of reform.” It is never explained who, exactly, the consultation included, but it certainly has not been with Vision Australia or other blindness and low vision sector organisations.

A consequence of this is that comments and recommendations that we made in our previous submissions have never been followed up. For example, in our April 2021 submission on the Stage 1 reforms of the Transport Standards we noted that the current specifications for luminance contrast are widely believed to be insufficient, and we called for further research to be done before any further changes were made. We think it is reasonable to expect that the Steering Committee would have sought further discussions with us and the blindness and low vision sector more generally before developing further reform proposals that rely on the same specifications that we have previously described as insufficient. We are very concerned that this pattern of lack of consultation has resulted in the development of options which, if adopted, will continue to cause inconvenience and potential safety issues for people who have low vision.

The process for ongoing consultation used by the Steering Committee is opaque at best. In some cases, it has resulted in the presentation and costing of options in the Stage 2 Consultation RIS that are either not

fit for purpose or else completely oblivious to the knowledge and experience in the blindness and low vision sector. As we noted in our April 2021 submission, the transport-related issues facing people who are blind or have low vision are becoming increasingly diverse and complex, and it is dangerous and unrealistic to proceed on the basis that one or two individuals have (or in fact can have) the expertise or experience to identify all the issues and develop solutions that capture this diversity and complexity.

Structure of this Submission

In the following sections we provide comment on several of the 54 proposed areas of reform that are most relevant for people who are blind or have low vision and that are within the scope of our experience and expertise. In each section we begin our comments by noting our preference for the status quo, regulatory option, or non-regulatory option, following the explanations in the Consultation RIS. In general, we strongly prefer regulatory options because they are most likely to deliver consistency, predictability and maximum safety for people who are blind or have low vision, especially when a “whole-of-journey” perspective is applied. The focus of the non-regulatory options on providing guidance and suggestions that public transport providers may or may not choose to apply in ways and in situations determined solely by them is little better than a licence to do nothing, and even in the best case the non-regulatory option will not provide a consistent and predictable “whole of journey” approach that is needed for people who are blind or have low vision to use public transport equitably, independently and safely. With the exception of S15, we believe that the status quo represents the least preferred option in all cases.

We have referred to the 61 numbered headings from the Consultation RIS in order to structure our responses to the various reform areas. We have been guided by the Consultation Questions listed at the end of each of the reform areas, but we have not answered them individually. Unless noted otherwise, our view is that the regulatory option provides sufficient clarity to allow people who are blind or have low vision to access public transport without discrimination in the area covered by the specific option.

Part 1: Transport Standards principles

1. Reporting

Vision Australia’s preference is that there be a requirement for mandatory reporting. Of the two regulatory options presented in the Consultation RIS, our preference is for Option 2.

We have observed a recent trend for transport operators and providers to quantify their compliance with accessibility benchmarks, including the Standards, in percentage terms. So, a provider will say, “90% of our infrastructure is accessible”, or, “80% of this railway station is accessible”. In an overarching sense, changes in these percentage measures over time do provide some information about progress towards compliance with the Standards, but these measurements are of no practical benefit to a person who is blind or has low vision and needs to plan their public transport usage on a daily basis. Knowing that 90% of infrastructure is accessible does not help a person who needs to know whether a particular bus, or train, or whatever, will meet their needs (even if “accessible” is defined, which it usually is not). Similarly, knowing that a certain percentage of a specific railway station or other transport infrastructure is accessible is uninformative about whether a particular feature that a person needs (such as Tactile Ground

Surface Indicators on the edge of a platform) is part of the percentage that is accessible or part of the percentage that isn't.

If there is to be substantial investment in developing a reporting framework for the Standards, then we believe that regulatory Option 2 will be the most effective in delivering a framework and metrics that will allow progress towards compliance with the Standards to be measured over time and between transport modalities, but will also allow transport users to obtain practical information that will assist them when making decisions about journey planning.

2. Equivalent Access

Vision Australia's preference is for the regulatory option presented in the Consultation RIS.

The diversity and evolving complexity of Australia's public transport system means that it is inevitable that from time to time, or in specific situations, equivalent access arrangements will be necessary to provide equal, non-discriminatory and safe access for people who are blind or have low vision to public transport. In our view, equivalent access solutions work well for people with a disability only when they have been developed through genuine consultation and co-design, rather than being developed by the transport provider and presented to the community as a *fait accompli*. Even if the solutions are well-intentioned, without consultation and co-design they will almost certainly be suboptimal, favour the convenience of providers, and result in poor outcomes for people with a disability.

At the same time, we appreciate that public transport operators and providers need some confidence that any equivalent solutions they develop will comply with the spirit and principles of the Standards and minimise the likelihood of a disability discrimination complaint. By their very nature equivalent access solutions may be ad hoc, applying to unique circumstances and necessitating rapid development and implementation that is not amenable to extensive consultation.

Our view is that the proposed regulatory option will be the most effective for providing confidence to the disability community and maximum certainty to the public transport industry. Neither the status quo nor the non-regulatory option will deliver effective equivalent access solutions now and into the future, as transport infrastructure and technologies evolve. For this option to be effective, professional certifiers must be able to demonstrate broad experience working with the disability community, and we would expect that a panel of certifiers, covering various disability groups, would be needed. It probably goes without saying that all certifiers would need to have a detailed knowledge of the Standards, so as to ensure that any equivalent access solution will address a problem that cannot be solved in other ways, and so that an equivalent access solution does not become a *de facto* temporary exception from complying with the Standards themselves.

3. Rideshare

Vision Australia's preference is for the regulatory option presented in the Consultation RIS, subject to further consultation in specific areas, such as S17.7 of the Standards.

Vision Australia first called for rideshare services to be included in the Standards in a submission we wrote in 2017 on the NSW (then draft) Point to Point Transport Regulations. It is pleasing to see that the matter is now being addressed as part of the Stage 2 reforms.

Comparatively few people who are blind or have low vision regularly use rideshare services (other than taxis), mainly because taxi transport subsidy schemes have not been extended to rideshares, except in Victoria. Vision Australia and other organisations in the blindness and low vision sector have been lobbying vigorously for other jurisdictions to also extend their taxi subsidy schemes to cover rideshare, in the interests of fairness and equity, and we expect that in time there will be a greater range of funding options available for rideshare users who are blind or have low vision.

The COVID-19 pandemic has had a number of negative impacts in the point to point transport sector, and clients in a number of jurisdictions report that taxi services are now much less reliable than previously. Despite the unavailability of the taxi transport subsidy, this unreliability is already leading to an increased use of rideshares by people who are blind or have low vision.

Some of the larger rideshare providers have sought genuine and ongoing consultation with the disability sector, around such issues as the refusal of some rideshare drivers to carry passengers who are accompanied by an assistance animal such as a Seeing Eye Dog. However, other rideshare providers have not engaged with the disability sector at all, and there is no regulatory requirement for them to do so. They are currently not obliged to comply with the Standards, and the only recourse for passengers who have experienced disability discrimination is to lodge a disability discrimination complaint.

Most rideshare services are booked using a smartphone app. There is no specific requirement for these apps to comply with accessibility standards. While some rideshare apps are usable by people who are blind or have low vision, others are not, and there is no guarantee that an app that is currently usable will remain so after future updates.

Rideshare services have rapidly become a mainstream form of transport for the general community, and we believe that it is timely and appropriate that the Standards be extended to cover these services. However, we believe that there are some unique features of rideshare that need to be taken into account when determining how the Standards will apply to them. For example, we are not at this stage persuaded that it is necessary or even desirable that S17.7 of the Standards automatically apply to rideshare vehicles. This section requires that tactile taxi registration numbers be affixed to the passenger door. This allows a person who is blind or has low vision to identify the taxi before entering it. However, vehicle booking information is typically conveyed in a rideshare app, so the passenger knows before the car arrives what the vehicle's licence plate will be, and can interrogate the driver for this information to verify that the correct car has arrived. Moreover, some rideshare providers incorporate an extra layer of security in the form of a PIN that is generated at the time of booking and which must be entered by the driver prior to starting the trip.

Tactile vehicle licence plate information will in many cases be longer and more difficult to read than taxi registration numbers, which typically consist of a single letter plus a series of digits. In any case, we have seen over the past few years that as point to point transport has been deregulated in several Australian jurisdictions, there has been a significant decline in the compliance with S17.7 of the Standards, and in the absence of any auditing mechanism or compliance training we expect that over time S17.7 will become increasingly ineffective in practice. Extending it to rideshares will have no practical benefit, and may well act as a disincentive for providers to ensure that vehicle identification information is included in the booking app in a way that is accessible to people who are blind or have low vision.

We therefore strongly recommend that targeted consultation is undertaken with the blindness and low vision sector about the relevance of S17.7 of the Standards in the context of rideshare vehicles.

Part 2: Information, communication and wayfinding

5. Better communication of accessibility features

Vision Australia's preference is for the regulatory option presented in the Consultation RIS.

The terms "accessible" and "accessibility" are now routinely encountered outside the disability sector, and even in the sector itself they have become diluted to the point that they have little practical meaning without further qualification. In fact, one is reminded of Humpty Dumpty's comment in Lewis Carroll's book *Through the Looking-Glass*: "when I use a word x... it means just what I choose it to mean – neither more nor less.": web and app developers have been known to use "accessible" as purely a sales tool taking advantage of a trend; public transport operators and providers sometimes use "accessible" and "accessibility" idiosyncratically without explanation; and people with a disability generally use the terms to reflect the barriers that they experience.

As we implied in our earlier comments on reporting, a person who is blind or has low vision needs specific information about the extent to which transport infrastructure or services addresses the barriers that they experience due to their blindness or low vision. Most barriers are disability-specific, and noting that a bus, or a railway station, or a lift, is "accessible" has no explanatory or predictive value unless further information is provided about "accessible to whom", and to enumerate the specific barriers that are addressed.

We support the regulatory option but believe that it will be essential to develop a list of transport barriers specific to each disability type as part of a project to use terms like "accessible" and "accessibility" in a consistent and meaningful way. Ultimately, we must have confidence that when a transport element is described as "accessible", then it is defined as complying with all aspects of the Standards with which it is required to comply.

6. Timely provision of information

Vision Australia's preference is for the regulatory option that is presented in the Consultation RIS.

The provision of timely information in a passenger's preferred format is critical to effective journey planning and public transport usage by people who are blind or have low vision. It is important to note that a passenger's preferred format may vary depending on the type of information being conveyed. For example, a fluent braille reader may prefer information such as safety booklets in hardcopy braille, but may prefer to have larger amounts of information, such as timetables, in a digital format that can be stored on a smartphone or portable braille notetaker.

Our experience is that currently the provision of timely information in a passenger's preferred format is patchy at best, and not consistent across transport modalities or providers. Hence, we believe that the regulatory option is the only way of ensuring consistency and adequacy of information provision.

7. Real time communication

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

In our experience it is not uncommon for people who are blind or have low vision to be unable to communicate with transport provider staff in real time. For example, prior to boarding a flight at an airport, a passenger requiring Meet and Assist from an airline may be taken to a separate area. One client reported to us that after negotiating the airport security he was taken by airline staff to a room somewhere near the boarding gate but too far away to hear the boarding announcements. He was assured that staff would return prior to his flight, but they did not, and he missed his flight. He was not given any way of communicating with staff (such as a mobile phone number) while he was sequestered in this room.

A recurring situation where real-time communication is critical but often not available is emergencies and other unplanned events. A client reported that during a railway station evacuation a staff member escorted her out of the station and left her alone in a nearby street, assuring her that they would return. The staff member did not return, and the client had no way of communicating with them to clarify what was happening.

There is an urgent need for real-time communication with staff to be available at all times in order to maintain the amenity, convenience, equality and safety of passengers who are blind or have low vision, and the adoption of the regulatory option is the only way of ensuring that there is consistency at all stages of a passenger's journey and across all public transport modalities.

It will be important to ensure that guidance about the provision of disability awareness training to public transport provider staff include those staff who work at control centres and who may not have direct face-to-face contact with passengers. These staff may be the first contact point for a passenger during an emergency or unplanned event, and it is essential that they know how to respond appropriately.

8. Passenger location during journey

Vision Australia's preference is the regulatory option presented in the Consultation RIS. Two sub-options are presented in relation to the visibility of visual information displayed in transport conveyances, and of these our preference is for sub-option 2.

Since the adoption of the Standards there has certainly been an overall improvement in the provision of location-specific information that is accessible to passengers who are blind or have low vision. However, there is little consistency between transport modalities or between transport providers. As part of the guidance provided under the regulatory option, we recommend that there be a reference to the value of including accessible information about the ultimate destination of the conveyance. We are aware of situations where a passenger who is blind or has low vision has boarded the wrong train but has not realised this because the "next stop" information was identical for a number of trains in the network during key parts of the passenger's journey.

9. Hearing augmentation on conveyances

Vision Australia's preference is the regulatory approach presented in the Consultation RIS, but due to our limited experience with the specific details of hearing Augmentation systems we are not in a position to decide between the various sub-options and sub-sub-options that are presented.

Over the past three years we have conducted a number of surveys in the blind and low vision community. While not the primary focus of any of these surveys, we have gathered data that shows that a significant number of people who are blind or have low vision have additional disabilities, of which the most common is hearing impairment. We do not have data on specific levels of hearing impairment or hearing augmentation system preferences. Nevertheless, it is clearly important that there is consistency and predictability of hearing augmentation systems in public transport conveyances in order to maximise the amenity, convenience, independence and safety of people who have a hearing impairment in addition to being blind or having low vision.

10. Hearing augmentation: Infrastructure and premises

Vision Australia's preference is the regulatory approach presented in the Consultation RIS. Of the two regulatory options presented, our preference is for option 2.

Following on from our comments in the previous section, we have no doubt that the regulatory approach is the most effective way of achieving consistency and predictability. Sub-Option 1 would require that a hearing augmentation system cover 80% of the area covered by a public address system, while sub-option 2 would require that a hearing augmentation system cover the maximum area practicable. Because it may often be difficult or impossible for a person who is blind or has low vision to identify the exact area covered by a hearing augmentation system, providing that coverage to the maximum area practicable will be more beneficial and hence we prefer sub-option 2.

11. Print size and format

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

Since the Standards were released in 2002 there have been developments in large-print production technology, and best practice guidelines for print characteristics such as font size and weight. Adoption of the regulatory option is necessary to ensure that the Standards consistently reflect current practices. It is important that guidance material emphasises the need for thorough user testing prior to the introduction of new fonts or other changes. We have noticed that new fonts are regularly developed and promoted as being beneficial for users of large print or users with specific eye conditions, but their promotion is not always accompanied by evidentiary support. The guidelines maintained by the Round Table on Information Access for People with Print Disabilities Inc. must always be the definitive reference for all aspects of the production of large print, including font size and print format.

13. Letter heights and luminance contrast of signs

Vision Australia supports the regulatory approach presented in the Consultation RIS mainly because it would lead to greater consistency. Of the two main options provided, our preference is option 2, because of its performance basis rather than reliance on an Australian Standard whose adequacy in meeting the needs of the low vision community is open to question. In relation to the two sub-options provided in option 2, we are unable to nominate a preference, because we are not aware of any empirical data that demonstrates the applicability of the measurements and viewing distances to people who have low vision.

A recurring theme of our submission is the unsuitability of the current metrics around luminance contrast for people who have low vision. We know from extensive anecdotal reports from clients and orientation and mobility specialists that the 30% level that is specified as a minimum does not meet the needs of the low vision community, and is, moreover, unsupported by robust, contemporary evidence and user testing. We have repeatedly drawn attention to the need for research to be done into luminance contrast, and until such research has been completed and the results evaluated we cannot support any proposal that references a minimum level of 30%. While this level is specified as a minimum, in practice it is unlikely to be routinely exceeded – what was designed to be a floor has become a de facto ceiling.

14. Location of signs

Vision Australia's preference is the regulatory approach presented in the Consultation RIS. Part of the regulatory option is presented as two sub-options, and our preference is sub-option 1.

The adoption of the regulatory option will help achieve greater consistency and predictability, which will improve public transport access by making it easier for people who have low vision to locate signs. We prefer the approach taken in sub-option 1, i.e., specifying distances rather than referring to an Australian Standard that most users will be unable to access and which, in any case, was developed in 1992 when public transport premises, conveyances and infrastructure were very different in many respects from what they are today. Nevertheless, we are not aware of evidence that supports the suitability of the distance measurements for people who have low vision, and it will therefore be important for the associated guidance material to emphasise the need for user consultation when determining the location of signs that is optimal for people who have low vision.

15. Braille embossed (printed) specifications

Vision Australia is compelled to prefer the status quo option. This is not because we believe that it is the best possible option, but because both the non-regulatory and regulatory options are flawed and their adoption would result in significant disadvantages and negligible benefits to braille users in a public transport context. The content and the non-regulatory and regulatory policy options in this section appear to have been developed in the absence of consultation with braille experts, are uninformed by detailed knowledge of braille codes and usage, and demonstrate a lack of awareness of the neuropsychology of braille reading. We recommend that this section of the Consultation RIS be discarded in its entirety, and that new content and policy options be developed through appropriate consultation. Subject to a review of the outcomes of that consultation, our preference is for a regulatory option that would require the simultaneous production of transport-related information in both uncontracted (Grade 1) and contracted braille, with the two formats to be bound together in the one volume whenever practical.

At the outset, we emphasise that the Australian Braille Authority (ABA) is the body that has responsibility for adopting, developing and maintaining braille codes, standards and guidelines for use in Australia. Structurally the ABA is a subcommittee of the Round Table on Information Access for People with Print disabilities Inc., and it operates via an Executive supported by an Australia-wide network of Braille Forums that provide opportunities for braille users, producers and educators to discuss and have input into decisions that are taken by the ABA Executive. The ABA also represents Australia on international braille-related organisations, including the International Council on English Braille (ICEB).

Our comments on this and the following section of the Consultation RIS reflect Vision Australia's extensive experience and expertise in all matters pertaining to braille, but they are not to be construed as a substitute for detailed and ongoing consultation with the ABA prior to and during the development of policy options related to braille. Our understanding is that such consultation is yet to occur.

Over the past two centuries, braille has developed into a field of specialisation with its own (often highly technical) terminology, codes and formats, pedagogies, production methods, and links with various aspects of cognitive and neuropsychology. The braille system has been adapted to accommodate the transcription of texts in many languages, as well as in specific subject areas such as chess, mathematics, music, and computer science.

While braille is a symbolic representation of print, and is therefore not a language in its own right, it is nevertheless a highly complex system. Developing effective policy options related to braille without expert consultation is akin to developing guidelines for tennis without involving anyone who actually plays it, or developing the National Disability Strategy without input from people with a disability.

The braille code currently used in Australia is Unified English Braille (UEB). UEB was developed in the 1990s to replace various and sometimes incompatible braille codes that were used for literature and specialised subjects in English-speaking countries. Contrary to the implication in the Consultation RIS, the Rules of Unified English Braille were formulated and are maintained by the International Council on English Braille, not by the Australian Braille Authority. The Rules of UEB are updated from time to time through a process of ongoing discussion and feedback, and although the ABA is represented on the committee that is responsible for these updates, decisions are ultimately the prerogative of the ICEB, not the ABA. UEB was adopted in Australia in 2005, after extensive consultation with braille users, producers, and educators.

UEB allows two forms or "grades" of braille: Grade 1 (uncontracted) braille is a one-for-one representation of print letters using 26 of the 64 symbols that comprise the six-dot braille system. Other symbols are used to represent punctuation marks, and there is a "numeric indicator" that can be prefixed to the letters A-J to represent numerals. Contracted (also traditionally referred to as Grade 2) braille uses most of the 64 braille symbols to represent common words and letter-groups. For example, the braille symbol for F represents the word "from" in contracted braille, and other braille symbols are used to transcribe the letter-groups "ed", "er", "ing", and so on.

Historically, contracted braille was developed for two main reasons: firstly, to reduce the physical bulk of braille volumes. The system of contractions used in UEB (which is largely unchanged from previous English braille codes) reduces the bulk of braille by about 14%. This reduction, though relatively modest compared with the number of contractions that are used, was especially significant in the pre-digital age when all braille was produced by manual, often laborious and time-consuming methods, on thick paper necessary to preserve dot quality, and bound in large braille volumes. Technological innovations have led to the development of electronic "refreshable" braille devices that allow braille to be written, read and stored

in a paperless form (for example, on an SD card), and there is less hardcopy braille produced now than in the pre-digital era.

A second reason for the development of contractions was to increase the speed and fluency of braille reading. Research and observations over many years has shown that, on average (and there are significant exceptions), braille readers read braille more slowly and less fluently than the average print reader reads print. The finger can only process a limited amount of information compared with the eye – “a fingerful is less than an eyeful”. By reducing the horizontal distance that must be traversed by the finger in order to read words and sentences, contractions help to increase the speed of information processing, even allowing for the extra cognitive load that interpreting the contractions entails. (Research by neuroscientists has shown that the visual cortex in the brains of braille readers is often repurposed to enhance information processing when reading braille – an example of neuroplasticity).

It follows that in almost all cases, people who use braille as their primary literacy medium and for accessing key information use contracted braille. Even a fast and fluent braille reader will read more slowly when using uncontracted (Grade 1) braille, and a person who reads braille more slowly to begin with will read Grade 1 braille even more slowly. Slower reading speed does not necessarily improve one’s ability to process information. Braille readers accustomed to reading material in contracted braille must not only adjust the speed at which their fingers traverse braille when they are attempting to read uncontracted (Grade 1) braille, but they must also make a cognitive switch to the way they interpret braille symbols. For example, in contracted braille, “row f” means “row from” and “row B” means “row but”. In contracted braille, various indicators are used to disambiguate braille words and letters on a symbol, word or passage basis, but when a reader reads material in uncontracted (Grade 1) braille, they must make the cognitive switch to the absence of these symbols. One of our clients, who has been using braille for almost 40 years, said: “reading braille in Grade 1 and Grade 2 is like reading in two different languages”.

When the NSW Electoral Commission first offered braille ballot papers for state elections, they were produced in uncontracted (Grade 1) braille. However, feedback received was that braille readers accustomed to contracted braille did not want to use them because they were slower to read and more cumbersome to handle, while people who only used uncontracted (Grade 1) braille did not use them either, because these readers were not able to read quickly enough to process the information efficiently, and the papers were, in any case, still too cumbersome to handle. In other words, having the braille ballot papers in Grade 1 braille was of no advantage to any braille readers who actually wanted or were able to use them, and it was a hindrance to many. A decision was therefore made to produce them in contracted braille, and this is the form that is still used. We are not aware of any specific request that has ever been received since then to produce the ballot papers in Grade 1 braille.

All of the children’s books that Vision Australia produces are in contracted braille; all the braille election material we produce for the NSW and Victorian Electoral Commissions is produced in contracted braille; 95% of Vision Australia’s braille library holdings are in contracted braille, and our library staff note that of the 18 titles that are in Grade 1 braille, only 4 have ever been borrowed. In the 2022 financial year, Vision Australia’s Accessible Format Production team transcribed individual requests for braille amounting to 28,235 pages in contracted braille and only 562 pages in uncontracted (Grade 1) braille. The Grade 1 pages were made up mainly of business cards and labels for various products.

Adults who lose their sight later in life may choose not to learn contracted braille, preferring to use Grade 1 braille primarily for labelling grocery items, CDs, and other household products. In general, it is more difficult to learn braille as an adult, and it is less common for adult learners to develop sufficient fluency

to make reading content-rich documents and books enjoyable and productive. It is also our impression that there is a higher proportion of Deafblind people who only use Grade 1 braille.

One of our longest-serving accessible format production staff recently made the following observation:

“Grade 2 Braille readers are a more active braille reading group. If anyone was to make use of Braille documents, it would be Grade 2 users. If the documents were only in grade 1, many of the grade 2 readers would most likely not bother reading them. The reason is grade 1 and grade 2 are two different codes. Although they both have 6 dot characters, the tactile meaning is different and I have often seen the frustration of someone putting a grade 1 document down.”

The conclusion to be drawn from the sum of our comments above is that the non-regulatory and regulatory policy options presented in the Consultation RIS that require or recommend that all transport-related information be produced only in Grade 1 braille are fundamentally flawed because they ignore the complexities and realities of real-world braille usage. Their adoption would significantly disadvantage the majority of braille readers who use contracted braille for accessing information, and may, in fact, result in fewer braille readers using the braille produced in compliance with these options. At the same time, it is extremely unlikely that many people who only use Grade 1 braille would want to access transport-related information in this format.

The “two languages” analogy mentioned by the client we quoted earlier suggests an approach to the development of policy options whose adoption would represent real and lasting progress in the provision of transport-related information in braille. It is very common to encounter multilingual information presented in product instruction manuals, medication leaflets and other health-related information, and documents used by companies with offices in various countries. Computer software has made it relatively straightforward to automate the production of high-quality multilingual information in print that can then be distributed in a single document that is readily usable by different language speakers and different audiences. Of course, braille is not a language, but the same conceptual framework can be applied. Almost all the braille produced in Australia is transcribed using specialised computer software, and this includes transport-related information such as brochures, safety booklets, and the like. With this software it is easy to produce both uncontracted (Grade 1) and contracted braille simultaneously with little or no human editing required, and in most cases both the Grade 1 and contracted versions of the same document can be bound together in the one braille volume, or supplied in a single computer file.

With both forms available, it is easy for readers to choose the one that they want to use. Readers accustomed to reading contracted braille can choose this version of the document, and readers who use uncontracted (Grade 1) braille can choose that version. A Table of Contents near the beginning of the document can alert readers to the inclusion of the two versions and direct them to the relevant page for the version they want to read.

This approach would maximise the advantages and benefits for all braille readers, and has none of the significant disadvantages that scuttle the policy options in the Consultation RIS.

Whether this approach is adopted will depend on the outcome of much more meaningful consultation with other braille experts, and in particular with the Australian Braille Authority. We look forward to being involved in that process.

16. Braille and tactile lettering for signage

Vision Australia cannot support any of the policy options presented in this section. While we do believe that a regulatory approach is necessary, the option that is provided in this section of the Consultation RIS is fatally flawed, self-contradictory, and not fit for purpose. It is yet another demonstration of the misdirection that results when there is a failure to consult with recognised experts in the field. As with the previous section, Vision Australia has not been consulted at any time in the development of the options in this section, and our understanding is that the Australian Braille Authority has not been consulted, despite references to criteria that it has developed.

Before discussing some of the flaws in the regulatory option, it will be useful to draw attention to the parlous state of braille signage in Australia. The Transport Standards and the Premises Standards both include requirements for the provision of braille (and tactile) signs in various locations. It seems that some braille signs are imported from the US, UK, and Canada, which have different requirements about the grade of braille used. So, it is not uncommon to find braille signs that are written in contracted braille, even though both the Premises and Transport Standards specify uncontracted braille. We are even aware of braille signs written in a foreign braille code in a public transport conveyance in Australia that was built overseas. We have also encountered facilities in which there is a mixture of braille signs, some written in contracted braille, while others are written in uncontracted braille.

Problems also arise because it is not possible to fit uncontracted braille in the space available on some small signs such as lift buttons. The braille transcription of words like “phone” and “open” cannot fit on the average lift button, and signmakers resort to a number of approaches: some will shorten or abbreviate braille (“opn” for example) while others use the contracted braille version (which in the case of “open” consists of three braille cells). It is possible that lift buttons are being imported with the braille already present in whatever form the originating country uses. We recently became aware of a braille sign located in a major building that included braille symbols that made absolutely no contextual sense: we suspect that this sign will puzzle a braille reader just as much as it has puzzled us.

Braille signage is commonly presented with the braille upside-down or sideways, making it well-nigh unreadable, and potentially causing safety issues because any directional arrows on such signs will also be incorrectly oriented. Finally, we have encountered braille signs on which the distance between cells and/or the height of braille dots has varied within the one sign, again making the braille well-nigh unreadable.

The end result of this jumbled mess of braille signs is that there is no consistency or predictability, and more often than not the fundamental purpose of the braille sign is thwarted because it is difficult or impossible to read. There is no auditing or monitoring mechanism incorporated into the Standards to ensure that braille signs comply with the requirements, and there appear to be no negative consequences for signmakers who produce or install non-compliant signs.

We have argued vigorously for over a decade that people who are blind or have low vision are being disadvantaged by the limited presence of braille and tactile signs. However, they are equally disadvantaged by the rampant non-compliance that exists at present. Any reforms in this area must aim to reduce the risk of non-compliance by achieving clarity and consistency of requirements.

The regulatory option proposed in the Consultation RIS specifies that braille must be in accordance with criteria set out by the Australian Braille Authority, but there is no explanation of what those criteria are, where they can be found, and which specific version of those criteria is required. This would seem to be inattentive drafting given that other references to standards are version- and date-specific. It is possible that the criteria being referred to are the content of document titled Physical Specifications for Braille, which is available on the Australian Braille Authority website, but this document does not address issues of braille code, grade and format, nor does it provide any guidance about how to achieve consistency in situations where braille will not fit on the sign. The lack of a clear specification of the criteria that are being referenced opens a door to endless confusion and (mis)interpretation on the part of signmakers and braille readers alike.

The regulatory option also notes that:

“Where both braille and tactile elements are produced on the same label, braille character [sic] can be provided at a height maximum of one millimetres.”

If we are correct in our speculation that the criteria referred to above are the Physical Specifications for Braille, then this current section contradicts them: the Physical Specifications document gives the maximum dot height as 0.9mm, so a maximum height of 1mm would violate those same criteria. This is a recipe for chaos.

The regulatory option also requires that:

“Braille shall be provided in the same orientation as visual elements of the sign.”

There is no explanation of what exactly this means: does it mean, for example, that if the visual elements are oriented sideways, then the braille should be sideways as well? If so, then the braille would be difficult or impossible to read. At the very least, this requirement needs clarification, otherwise it will be open to misinterpretation and lead to confusion.

The regulatory option also states:

“Braille messaging shall be comparable to that in text or written information including pictograms.”

There is no standard braille representation of pictograms, and most braille readers would be unable to recognise any attempt to render them in a tactile way. If the requirement means that the information contained in or represented by a pictogram must be rendered in words on the braille sign, then this is not what the requirement says. We are left unable to assign a meaning to this requirement that would result in clear, consistent braille.

The requirements relating to tactile signs are also problematic. For example, we have already expressed our opposition to the use of a 30% figure for minimum luminance contrast. We are not aware of any evidence that demonstrates that people who have low vision are able to read tactile signs with this level of contrast.

We acknowledge that the intent of this regulatory option is to enhance access to braille and tactile signage, but the approach needs much more work and consultation before it has any likelihood of achieving this.

17. Lifts: Braille and tactile information at lift landings

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

The adoption of the regulatory option would lead to a greater and welcomed prevalence of braille and tactile signs, and hence more wayfinding information available to people who are blind or have low vision. The regulatory option is needed to ensure that there is a consistent and predictable approach taken. Having braille and tactile signs in some locations or in some premises but not in others is, in some ways, more confusing and disorienting for people who are blind or have low vision than having none at all.

We do have some concerns about the guidance in relation to making the braille and tactile information succinct. While we certainly support the principle, our experience is that unless there is user consultation there is a risk of meaningless or unhelpful messaging being presented. For example, we are aware of a situation where the braille on an emergency call button simply said "press and wait", without explaining who to wait for and how long to wait and, indeed, what the purpose of the button was. We can easily envisage scenarios where a platform landing should be identified with more than the word "platform", and user consultation is the only way of ensuring that braille and tactile information is relevant and fit for purpose.

18. Lifts: Audible wayfinding

Vision Australia's preference is the regulatory approach presented in the Consultation RIS. Of the two options provided, our preference is option 1.

The increasing complexity of public transport infrastructure and premises have led to an unprecedented need for clear, consistent, and meaningful information to assist people who are blind or have low vision with independent and safe wayfinding. The adoption of the regulatory approach will lead to an increased confidence among users, and contribute to an overall improvement in public transport usability.

Noting our concerns in the previous reform area about the need for transport providers to ensure that information is clear, meaningful and useful, we prefer option 1 because it contains greater specificity about the information that must be announced. Nevertheless, it will be essential for guidance material to emphasise the need for user consultation and testing when audio announcements are being developed.

19. Lifts: Emergency communication systems in lift cars

Vision Australia's preference is the regulatory option presented in the Consultation RIS. However, we note that the emergency communication system required by this option may not necessarily be usable by a person who is blind and also has a significant hearing impairment and who therefore may be unable to locate or use the telephone in the lift. We believe that further consultation is imperative to ensure that people who are blind and who also have a significant hearing impairment do not "fall through the cracks" when improving access to emergency communication in lifts.

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

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

Adoption of the regulatory option will ensure consistency and lead to more information being available to people who use induction loops. It is important that the associated guidance material makes reference to people who are blind and who also have a significant hearing impairment, as many people in this category use hearing amplification devices that are compatible with induction loops. Transport providers must be required to consider the unique needs of this often-overlooked group when implementing this and similar areas of reform.

21. Information and communication

Vision Australia's preference is the regulatory approach presented in the Consultation RIS. Of the five options provided, our preference is option 5.

This area of reform of the Standards will have some of the most far-reaching implications for people who are blind or have low vision. Many of the systemic barriers that people who are blind or have low vision face when participating in various areas of society are ultimately due to information and communications technologies (ICT) that have not been designed or implemented to be accessible via non-visual methods. More generally, the routine failure to incorporate principles of inclusive design in the development and implementation of ICT systems has become a key cause of systemic barriers experienced by people with a disability.

Vision Australia has been at the forefront of systemic advocacy to government, industry and the community for the adoption (preferably mandatory adoption) of the standards that have been developed to ensure that ICT hardware, services and software are accessible to people with a disability, including especially people who are blind or have low vision. The two standards that are most relevant in this context are Australian Standard AS/EN301:549 and the Web Content Accessibility Guidelines (WCAG). The increasing awareness and adoption of these standards in areas including employment, education and government services will, over time, make key aspects of life and participation much more accessible.

In the area of accessible public transport, it is our strong belief that a standards-based approach must be adopted to the accessibility of ICT, rather than the performance-based approach envisaged in regulatory sub-option 1 provided in the Consultation RIS. Not only will a standards-based approach lead to greater consistency, predictability and usability, it will also mirror the approach that is being taken in other areas in Australia and in jurisdictions including Canada, the US and the EU. Much work has been done to ensure that AS/EN301:549 and WCAG are clear, comprehensive, robust and encompassing of current and future technologies, and they represent the highest level of international research and best practices in ICT accessibility.

Of the four options that incorporate a standards-based approach, our preference is option 5, because it references the most recent version of both AS/EN301:549 and WCAG. These versions have already been widely promoted, and we see no value in adopting earlier versions that have already been superseded in key areas.

It will be incumbent on future reviews of the Transport Standards to ensure that references to versions of AS/EN301:549 and WCAG are updated, just as references to other referenced standards are updated. Because of the rapidly-evolving nature of the technologies covered by AS/EN301:549 and WCAG it will be imperative that updates occur regularly and are not delayed.

22. Mobile web systems

Vision Australia's preference is the regulatory approach presented in the Consultation RIS. Of the two options provided, our preference is option 1.

Mobile web systems, including apps and websites, are now a mainstream part of the provision of information related to public transport services. It would be very rare to find a public transport operator or provider who did not have a mobile website or app available to facilitate or enhance the use of its services. This growth in the use of mobile web systems has occurred in the absence of any requirements that they be usable by people who are blind or have low vision. In 2020 Vision Australia conducted an informal survey of apps and websites provided by the leading taxi operators in Sydney. We found that none of them complied with accessibility standards or guidelines, such as those developed by Apple and Google. While some features of some apps were accessible via screen-reading software such as Voiceover, other features were not, and there was no consistency between providers in terms of the overall level of accessibility or the specific features that were accessible.

The adoption of the regulatory approach is necessary to ensure that all mobile web systems are usable by people who are blind or have low vision. We strongly believe that all information provided on websites or in apps must be fully accessible. The option which specifies that discretionary information need not be accessible amounts to the legitimising of information censorship, and is completely incompatible with current policies and discourse around the inclusion and non-discriminatory treatment of people with a disability. Of course, if there are legal constraints on the scope of the Standards then they would need to be addressed – what is essential is that people who are blind or have low vision must have full access to all the information that is available to everyone else.

23. Accessible fare system elements

Vision Australia's preference is the regulatory approach presented in the Consultation RIS. Of the options and sub-options provided, our preference is option 2, sub-option 2.

The adoption of a regulatory approach will increase the accessibility of fare system elements now and into the future as new fare systems are developed. As with the reform area dealing with ICT, we believe that a standards-based approach is imperative. The AS/EN301:549 standard encompasses more elements of ICT than WCAG, but it makes reference to WCAG in areas where the latter standard is more contextually relevant. Hence, we support the regulatory option that incorporates AS/EN301:549. We can see no value in adopting a version of AS/EN301:549 that has already been substantially superseded, and so we support sub-option 2, which references the 2020 version of AS/EN301:549. It will be incumbent on the periodic reviews of the Transport Standards to ensure that references to AS/EN301:549 are kept updated to the current version.

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

25. Continuous accessibility on access paths

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

Access paths are an important wayfinding feature for people who are blind or have low vision, and also help create a sense of confidence and safety as people approach and depart from public transport infrastructure via these access paths. We recognise the difficulties that the current requirements can pose for transport operators and providers in situations where they do not have complete control over the connections between transport assets, and the inconsistencies that can result. We therefore support the regulatory option as the most effective way of achieving consistency and certainty, at least insofar as access paths fall within the responsibility of public transport operators and providers. It will be important, however, to closely monitor the effect of this reform, especially to ensure that local authorities and private property owners are meeting their obligations under the DDA to ensure that pedestrian crossings and other elements within their control promote the amenity, convenience and safety of people with a disability. If the purpose of this reform is thwarted by local authorities and private property owners then the eventual outcome would be more problematic than the status quo. It is essential that people with a disability are involved in ongoing consultation with transport operators and providers to ensure that this reform is effective.

28. Requirement for handrails in overbridges and subways

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

Handrails are an important wayfinding feature for people who are blind or have low vision, in addition to providing safety and support for people who may experience issues with balance. We support the regulatory option because it will create consistency and greater overall access. It will, however, be important to monitor the impact of this reform and to seek ongoing feedback from the disability community about its practical value. For example, if it is usually or often necessary to create breaks in handrails of the type envisaged by the regulatory option, then they may become distracting and confusing for people to use, and their value as a safety and wayfinding feature may be diminished.

29. Location of Fare System Elements

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

People who are blind or have low vision often find it difficult or impossible to locate, move between, and interact with fare system elements that have a wide spatial separation, especially if they are located in a complex and busy environment such as a large transport interchange. This can result in extra stress for transport users and a loss of independence and confidence. Our support for the regulatory option reflects our view that measures that will lead to a simpler and more consistent design will to that extent make public transport more accessible for people who are blind or have low vision.

32. Emergency call buttons in accessible toilets

Vision Australia's preference is the regulatory approach presented in the Consultation RIS. Of the two sub-options provided, our preference is sub-option 2.

Over the past few years we have received a growing number of reports from clients about difficulties they encounter when using public toilets, including accessible toilets. Technologies such as electronic door locking mechanisms controlled by a touchscreen have outpaced accessibility requirements, and the added inconsistencies between and within premises add to the difficulties that people who are blind or have low vision now often face when using accessible toilets.

In this context it is absolutely essential that a person who is blind or has low vision is always able to easily and quickly locate the emergency call button in an accessible toilet. In an emergency situation a person may be anxious, confused, distressed, or ill, and they may have less capacity than usual to evaluate distance ranges so that they can locate the emergency button by touch. The requirement specified in sub-option 2 that the emergency call button may be co-located with the flush control will provide greater certainty for a person who may be struggling to find the emergency call button in an actual emergency. We would prefer this sub-option to be strengthened to require that one of the emergency call buttons always be co-located with the flush control (change "may" to "must") because this is the only way of guaranteeing certainty for people who are blind or have low vision.

34. Lift specifications and enhancements

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

A number of organisations in the blindness and low vision sector attempted to provide comment on AS1735.12 when an updated draft was available for public comment in 2019. Standards Australia refused to accept our comments because we were unable to submit them using the required template, which had not been designed to be accessible to users of screen-reading software. Standards Australia also did not accept our offer of separate discussion of our comments and concerns.

As a result, the updated AS1735.12 fails to address some of the issues that people who are blind or have low vision experience when attempting to use lifts that incorporate touchscreens and other recent technologies. Although we prefer the regulatory option, we are not confident that it will meet the needs of the blind and low vision community, and we therefore strongly recommend that further consultation with the sector take place before a final decision is made.

36. Poles, objects and luminance contrast

Vision Australia's preference is the regulatory approach presented in the consultation RIS. Of the two options provided, our preference is option 2. Of the two sub-options provided under option 2, our preference is sub-option 2.

We continue to emphasise that the figure of 30% as a minimum for luminance contrast is inadequate and does not meet the needs of the low vision community. While we are not aware of any empirical data that supports either of the sub-options, we believe that the higher figure of 60% that it references is much

more likely to be useful as an effective wayfinding and safety feature for people who have low vision. Our preference for option 2 reflects our strong view that this higher figure should apply to the maximum extent possible, including in all public areas.

37. Lighting

Vision Australia's preference is the regulatory approach presented in the Consultation RIS. Of the four options provided, our preference is option 4. We are not able to adjudicate between the sub-options within this option.

Adequate and appropriate lighting is critical for public transport users who have low vision and also for many people who are classified as legally blind and have some residual vision and light perception. Unfortunately, the discussion and options in this section of the Consultation RIS provides no data to suggest that any of the options and sub-options will meet the needs of the low vision community. For example, are people with low vision able to safely perform tasks using the "task lighting" levels suggested? Is light with a colour temperature of 3000-3500 Kelvin appropriate or optimal for a person or the majority of people who have low vision?

While in principle we prefer option 4 because of its prescriptive requirements that maximise consistency, we believe that the nexus between the various options presented and the needs of the low vision community has been only partially drawn at best, and we are therefore unable to make definitive or conclusive comments. We believe the whole area of lighting and its implications for people who have low vision needs much more discussion and consultation before a final decision is made.

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

41. Boarding ramp and removable gangway definitions

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

We support the regulatory option because it will lead to clarity and consistency in the definition of specific key terms used in the Standards. The definitional distinction between boarding ramps and removable gangways is important because the circumstances in which boarding ramps are used are quite different, and present different challenges for people with a disability, from those in which removable gangways are used – a train or bus operates in a completely different environment from a ferry. Conflating the two terms would be confusing and make it more difficult to define the characteristics that are necessary for the amenity, convenience and safety of people with a disability.

42. Removable gangway design – ferries

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

Although a smaller number of people who are blind or have low vision regularly use ferries than other modes of public transport, ferries present unique challenges and safety issues. While we support the

regulatory option in the interests of consistency and certainty, we have very serious concerns about the 30% luminance contrast specification. We are not aware of any evidence such as user trials that demonstrates the safety and efficacy of this level of luminance contrast in the context of ferries. We have reiterated the view of the blindness and low vision sector throughout this submission that a minimum 30% luminance contrast does not meet the wayfinding and safety needs of the low vision community. If this level is insufficient in other areas, it is even more likely to be inadequate in the dynamic environment of a ferry. We cannot stress strongly enough that more consultation and evidence are needed before a final decision is made for this area of reform.

43. Nominated assistance boarding points

Vision Australia's preference is the regulatory approach presented in the Consultation RIS. Of the two regulatory options presented, our preference is option 2.

People who are blind or have low vision and who need boarding assistance may be unable to identify the nominated assistance point unless it is located near a fixed and predictable reference point. An access path is generally easier to locate than other reference points that may vary across public transport infrastructure. Hence our preference for regulatory option 2.

44. Identification of lead stops

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

Identification of lead stops is currently a significant issue for people who are blind or have low vision. Clients report that ad hoc solutions used at present are inconsistent and unpredictable, especially when they rely on staff or driver training. It is not uncommon for people who are blind or have low vision to be directed to the incorrect stop, and to be ignored by drivers because they are not at the lead stop. We have also received reports from clients that drivers sometimes ignore the lead stop altogether.

We therefore believe that the regulatory option is required in order to allow people who are blind or have low vision to identify the lead stop with accuracy in a consistent and predictable way.

50. Accessible parking spaces in infrastructure off-street carparks

Vision Australia's preference is the regulatory approach presented in the Consultation RIS. Of the sub-options presented our preference is sub-option 2.

Many people who are blind or have low vision find it safer and more convenient to be dropped off or picked up near an accessible parking space. A growing number of states and territories consider blindness or low vision to be sufficient eligibility criteria for a Disability Parking Permit, and we expect the remaining jurisdictions will follow in due course.

Our preference for sub-option 2 reflects our view that people with a disability should be given the maximum access to parking spaces that meet their needs, and should not be disadvantaged in situations where there is only a small parking area adjacent to transport infrastructure. It is generally much more difficult for a person with a disability to find suitable parking than for the rest of the community, and

having more accessible parking spaces allocated will consequentially make it easier to use accessible public transport.

Part 5: Accessibility in conveyances

51. Grabrails on access paths

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

The lack of consistency in the provision of grabrails along access paths in public transport conveyances is especially problematic for people who are blind or have low vision and who therefore may not be able to detect whether a grabrail is present or absent in a particular conveyance until they have a need to use it. The adoption of the regulatory option will ensure that the contribution made to the amenity and safety of passengers who are blind or have low vision by the provision of grabrails on access paths in conveyances is maximised.

52. Grabrails in allocated spaces

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

Although we prefer the regulatory option, we once again are concerned about the specification of a minimum luminance contrast of 30%. As we have noted throughout this submission, it is the widespread and long-standing view of the blindness and low vision sector that 30% luminance contrast is insufficient in practice for many people who have low vision to use as a wayfinding or safety tool. If a person with low vision is unable to detect a grabrail because of inadequate luminance contrast it could put them at significant risk of falling and thus have a negative, and possibly catastrophic, impact on their safety while travelling.

It is not enough that the regulatory option specifies that the 30% luminance contrast is a minimum figure – our experience suggests that in the absence of guidance or a requirement, many transport operators and providers will regard it as a maximum figure.

At the very least there must be clear guidance provided about the insufficiency of the 30% as a minimum figure, and we hope that this consultation will serve as an opportunity for the beginning of a long-overdue conversation with the blindness and low vision sector about how to address the whole issue of luminance contrast in the Standards.

55. Appropriate seats on booked services

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

Our preference reflects our view that the regulatory option is the most effective way of achieving consistency and certainty by acknowledging that for many people who are blind or have low vision it can be more useful for them to be allocated a seat, for example, that is closer to bathroom or dining facilities than a seat that meets the definition of an accessible seat. The adoption of the regulatory option will

encourage transport providers to discuss seating arrangements with passengers on an individual basis instead of stereotyping their needs at the expense of their amenity, convenience, independence and safety.

56. Conveyance dwell times at stops

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

The lack of consistency around dwell times at stops causes anxiety for passengers who are blind or have low vision, and may make them more reluctant to use public transport. Knowing in advance what the dwell times will be would provide passengers with a greater capacity to plan their transport usage having regard to their safety and individual circumstances.

57. Stairs on trains

Vision Australia's preference is the regulatory option presented in the Consultation RIS, and sub-option 2 in relation to stair and step geometry.

Although we are aware that the minimum specification of luminance contrast on handrails will not meet the needs of the low vision community, we support the regulatory option because it is most likely to achieve consistency and certainty. Our support of sub-option 2 in relation to stair and step geometry reflects our view that the safety of passengers is of paramount importance, and that this will not necessarily be achieved through the exclusive reliance on specifications in the National Construction Code that may not be optimised for public transport conveyances.

58. Stairs on ferries

Vision Australia's preference is the regulatory option presented in the Consultation RIS, and in relation to stair and step geometry, our preference is for sub-option 3.

Although we are aware that the minimum specification of luminance contrast on handrails will not meet the needs of the low vision community, we support the regulatory option because it is most likely to achieve consistency and certainty. Our support of sub-option 3 in relation to the geometry of stairs and steps on ferries reflects our view that the safety of passengers is of paramount importance, and that this is best achieved through a modality-specific approach rather than an exclusive reliance on specifications in the National Construction Code that may not be optimised for public transport conveyances such as ferries.

59. Stairs on buses

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

Although we are aware that the minimum specification of luminance contrast for handrails will not meet the needs of the low vision community, we support the regulatory option because it is most likely to

achieve consistency and certainty, and in the hope that action towards a more appropriate specification will be prioritised.

60. Doorway contrast and height

Vision Australia's preference is the regulatory option presented in the Consultation RIS.

Although we support the regulatory option in the interests of consistency and fairness, we are aware that the luminance contrast metrics contained therein will not meet the needs of the low vision community, and we believe that it is imperative for more consultation to be undertaken with the sector to develop a solution that is based on real-world evidence.

Part 6: Implementation

61. Implementation approach

The adoption of the Disability Standards for Accessible Public Transport in 2002 was a very clear signal to industry, the disability sector, and the general community, that systemic barriers to the independent and safe use of public transport by people with a disability must be removed, and that new barriers must not be created. This message has resonated over the past twenty years, but the extent of the Stage 1 and Stage 2 reforms shows that many key aspects of the Standards have not remained fit for their original purpose. Even if all 54 areas of the Stage 2 reforms are implemented, there is a real danger that the Standards will once again fall into substantial disrepair as public transport environments, infrastructure and technologies continue to evolve rapidly. It is imperative that we act now to implement the current reforms and to ensure that mechanisms are in place that will allow incremental reforms to be incorporated into the Standards when they are needed. All stakeholders, including industry and government, have a responsibility to maintain the Standards for the purpose for which they were intended: we must not find ourselves needing to contemplate large and complex packages of overdue reforms in another twenty years.

The approach to implementing the current reforms will be pivotal to their success and in establishing a model that can be used into the future. We do not believe that there is one implementation approach that is suitable for all situations at all times. Each of the approaches presented in the Consultation RIS has benefits and shortcomings. Overall, we support a "trigger" approach to the implementation of specific reforms, partly because it is less likely to lead to protracted consultations about timeframes and more likely to produce tangible and timely change. However, we are mindful that the usual trigger (substantial refurbishment or upgrade) will need to be modified to take account of specific situations. For example, there is no convincing reason why a public transport app or website that is not compliant with accessibility guidelines cannot be brought into compliance more-or-less immediately – there should be no necessity to wait for an upgrade or other event to trigger the compliance remediation. At the other end of the spectrum, a tram or bus stop may not be upgraded for decades, and it is certainly not acceptable or within the spirit of the Standards that people with a disability should have to wait that long in order to benefit from reforms to the Standards. In such a case there would need to be a time limit set for the activation of a trigger.

We imagine that a blended approach like the one we recommend would need further work to establish the details. Any implementation approach(es) must be firmly based on the principle that people with a disability must benefit from reforms to the Standards as soon as possible: the Standards themselves have been a part of the public transport landscape in Australia for 20 years, and industry has had ample time to implement them, to prepare for future reforms, and to minimise or even eliminate the need to seek a temporary exemption from complying with a particular element of the Standards.

We conclude by noting the need for a more effective approach to identifying and addressing breaches of the Standards. The current complaints-based mechanism is almost a total failure: in our experience, it is extremely rare for a person who is blind or has low vision to lodge a disability discrimination complaint alleging a breach of the Standards. There are several reasons for this. Firstly, the detailed content of the Standards is not widely known by the blind and low vision community, and the technical nature of much of it and the frequent reference to Australian Standards that are not readily accessible means that it is virtually impossible for an average person to interpret it. To take one simple example: if a person who is blind encounters a taxi that does not have a tactile number on the passenger door, or has one that they cannot read, they are extremely unlikely to take further action: they may conclude that there must be some clause in the Standards that exempt particular taxis from installing tactile numbers, or they may not even know that there is a requirement in the Standards relating to tactile numbers. Even if there is a tactile number, very few people would be able to determine whether its form and manner of installation complied with the Standards.

Even in the unlikely event that a person who is blind or has low vision is confident that they have encountered a breach of the Standards, they are still unlikely to lodge a disability discrimination complaint. It is common knowledge that the Australian Human Rights Commission will not use the power it has under S65 of the Human Rights Commission Act to compel parties to attend a conciliation conference, and in any case it is recognised that the Commission has no power to enforce an outcome or make a finding of unlawful disability discrimination. Taking action in the Federal Court simply isn't a feasible option for the vast majority of people who are blind or have low vision.

Finally, it cannot be overstated that pursuing a complaint alleging a breach of the Standards is a time-consuming (often all-consuming) and exhausting process that is a strong deterrent for most people.

It is hard to imagine how the current complaints-based approach to the enforcement of the Standards can be viable and relevant into the future. If the Standards are to fulfil the hope that the disability community has placed in them, we must develop a more effective way of enforcing them than relying on the dilapidated complaints-based mechanism in the current Disability Discrimination Act.

About Vision Australia

Vision Australia is the largest national provider of services to people who are blind, deafblind, or have low vision in Australia. We are formed through the merger of several of Australia's most respected and experienced blindness and low vision agencies, celebrating our 150th year of operation in 2017.

Our vision is that people who are blind, deafblind, or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and their families.

Vision Australia service delivery areas include: registered provider of specialist supports for the NDIS and My Aged Care Aids and Equipment, Assistive/Adaptive Technology training and support, Seeing Eye Dogs, National Library Services, Early childhood and education services, and Felix Library for 0-7 year olds, employment services, production of alternate formats, Vision Australia Radio network, and national partnership with Radio for the Print Handicapped, Spectacles Program for the NSW Government, Advocacy and Engagement. We also work collaboratively with Government, businesses and the community to eliminate the barriers our clients face in making life choices and fully exercising rights as Australian citizens.

Vision Australia has unrivalled knowledge and experience through constant interaction with clients and their families, of whom we provide services to more than 30,000 people each year, and also through the direct involvement of people who are blind or have low vision at all levels of our organisation. Vision Australia is well placed to advise governments, business and the community on challenges faced by people who are blind or have low vision fully participating in community life.

We have a vibrant Client Reference Group, with people who are blind or have low vision representing the voice and needs of clients of our organisation to the board and management.

Vision Australia is also a significant employer of people who are blind or have low vision, with 15% of total staff having vision impairment.