



ARA Submission

2022 Review of the Disability
Standards for Accessible Public
Transport 2002

Discussion Paper

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The rail industry

The Australasian Railway Association (ARA) is a not-for-profit member-based association that represents rail throughout Australia and New Zealand. Our members include rail operators, track owners and managers, manufacturers, construction companies and other firms contributing to the rail sector. We contribute to the development of industry and government policies in an effort to ensure Australia's passenger and freight transport systems are well represented and will continue to provide improved services for Australia's growing population.

This submission has been developed in consultation with ARA member organisations.

Any questions regarding this submission should be directed to Joeley Pettit, Director Corporate Affairs, Passenger Rail and Sustainability via [REDACTED].

Australia's rail industry

Rail is a significant industry in Australia, creating economic activity through its operations and capital investments. It is an industry with activities across every major metropolitan and regional area and is supported by the full spectrum of skills in the Australian workforce.

In 2019, the rail industry contributed around \$30 billion to the Australian economy and employed more than 165,000 workers (directly and indirectly in full-time equivalent terms, FTE). The industry is made up of around 900 businesses that are located in approximately 20 major hubs.

General Comments

Accessibility and the Rail Industry

The Rail Industry recognises that public transport provides people with disability with independence and improves inclusion in our communities. Significant funds continue to be contributed by the Rail Industry to improve accessibility on and around railways nationally.

From the commencement of the Disability Standards for Accessible Public Transport 2002 (Transport Standards) the rail industry, through the ARA, has raised concerns about the practical implementation of some aspects of the Transport Standards in the train and tram rail environment. The ARA and its individual members made submissions to the 2007, 2012 and 2017 Reviews of the Transport Standards outlining specific elements of the Transport Standards that should be amended to address train and tram rail related issues.

While subsequent work to modernise the Transport Standards is welcomed by the Rail Industry, its progress to date has been slow and relies heavily on industry expertise. In addition, there are a number of areas where modification could be made to ensure compliance can be practically implemented.

The Rail Industry continues to actively work towards meeting the targets legislated in Schedule 1 of the Transport Standards but strict compliance with Schedule 1 targets has not been achievable for rail operators, rail providers or State and Territory governments. Compliance varies between jurisdictions, operators and the services, train stations and/or tram stops and rollingstock types in service.

Due to the historic nature of some rail assets and the considerable investment required for infrastructure and rolling stock upgrades, complete access and compliance with the Transport Standards cannot be achieved immediately. To counter this, recognising that compliance with the Transport Standards is one part of the accessibility equation, the Rail Industry believes a holistic approach is required to successfully improve accessibility. Therefore, the Rail Industry supports hard infrastructure and rolling stock upgrades with a variety of initiatives.

ARA members have continued to implement upgrades to increase the accessibility of rolling stock and infrastructure, as well as the customer experience as a whole for those with disability. This incremental approach to accessibility improvements ensures train and tram rail operators are actively enhancing the access provided for all individuals in our communities. For example, as part of this commitment to continuous improvement, ARA members:

1. engage specialists to advise on access issues and engage with the disability community to ensure operators better understand and meet their needs;
2. consult regularly with the disability sector individually and collectively regarding accessibility plans and investment decisions;
3. implement jurisdictional Disability Inclusion Action Plans;
4. regularly meet through the ARA Accessibility Committee to share ideas and lessons learned;
5. participate and contribute to government groups such as the National Accessible Transport Taskforce (NATT); and
6. have been taking steps, so far as is reasonably practicable, to comply with the requirements prescribed in the Transport Standards.

Timing of Review

The ARA understands that Part 34 of the Transport Standards requires the Minister responsible for Infrastructure in consultation with the Attorney-General to review the efficiency and effectiveness of the Transport Standards every five years and that given the previous review was conducted in 2017, a review was required to commence in 2022.

There are outstanding matters arising from the 2012 Review of the Transport Standards and the findings of the 2017 review were not released until December 2021.

This combined with the reform process for the Transport Standards still yet to be finalised and legislative drafting and Parliamentary approval to take some time after means that there is limited benefit of carrying out consultation as part of this review at this time.

While the Terms of Reference for this review was required to be released before the end of 2022, consultation could have been delayed to after the current reform process to the Transport Standards is complete. This would have enabled those wishing to provide comment the chance to compare and analyse what gaps remained with the reformed Transport Standards leading to a more substantial and effective review process.

Changes arising from the reform process will amend the standards that are being considered in this review. However, there is an opportunity for this review to explore issues that were not addressed through the reform process.

Missed opportunities of the reform process

There are outstanding matters arising from the previous reviews of the Transport Standards that appear not to have been addressed in the latest reform process. It is important that future reforms to the Transport Standards consider items raised from previous reviews.

The reform was intended to focus on outcomes for people with disability and provide flexibility to fulfil obligations. The reform process was intended to be open to engaging with opportunities to develop best practice, rather than additional prescriptive standards.

However, the reforms to date have not shifted from prescriptive technical standards to an outcomes-focused approach and are not accessible to people with disability, a common finding in previous reviews of the Transport Standards. Rather, additional compliance activity has been recommended, which is adding to the already substantial compliance obligations.

Prescriptive technical standards do not reflect the breadth of ways to achieve accessibility improvements and limit flexibility to respond to changing priorities of people with disability.

The approach to implementation, where reforms have different timeframes for compliance, including retrospective implementation, further limits the effectiveness and efficiency of the Transport Standards.

Reform implementation should be based on individualised compliance schedules developed within each jurisdiction. Retrospective timeframes continue to present challenges across all jurisdictions with the scale and breadth of legacy infrastructure. It does not enable a staged and functional approach where assets are replaced at the end of their lifecycle.

Individualised compliance schedules provide greater flexibility to implement reforms specific to the operating context and resource constraints within each jurisdiction and drive improved outcomes for people with disability.

Consultation Fatigue

This current review process risks overburdening stakeholders with another consultation process on the back of significant consultation, including:

- the previous reform attempt;
- participating in the premises standards review in 2021;
- participating in working groups that informed the current reform process;
- responding to the public consultation process for Stage 1 and Stage 2 consultation RISs;
- responding to the 2017 Review of the Transport Standards process;
- participating in the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability; and
- participating in the Disability and Australia's Disability Strategy 2021–2031.

To reduce the future burden on stakeholders, information obtained from these other consultation processes should be utilised as much as practical to inform review process.

Australian Government Funding


State and Territory ministers endorsed the then proposed Transport Standards and its Regulatory Impact Statement (RIS) in 1999 on the stipulation that the Australian Government should provide funding to support the investment required to achieve compliance with the proposed legislative instrument. To date, no dedicated accessibility Australian Government funding has been provided to support compliance with the Transport Standards. As a result, meeting the Transport Standards requirements has and continues to require significant funding from State and Territory governments, providers and rail operators.

While rail providers and operators, both government and non-government, actively seek funding to support accessibility upgrades to achieve compliance, the balance of jurisdictional-wide priorities means that funding requests from rail operators for accessibility upgrades are not always fulfilled. Further, franchised operators may face budgetary limitations and depend on external funding sources or government support to implement necessary accessibility improvements.

Without access to Australian Government funding, rail networks that existed when the Transport Standards was made in 2002 will continue to find it difficult to achieve full compliance by the currently legislated timeframes, and the soon to be additional requirements under the reformed Transport Standards.

Funding to meet the current Transport Standards has been a challenge in all jurisdictions. Noting that the D1 Decision RIS and D2 Consultation RIS contain additional elements that may be incorporated into the reformed Transport Standards, with only limited funding to be distributed, additional funding will be required to achieve compliance.

Even with progress to date, ARA members are concerned that even if they had the required funds (estimated to be billions of dollars) they still would not be able to meet the timeframes set, to bring the network into compliance due to operational and construction capacity limitations.



In some jurisdictions the rail public transport operators do not control the wider environment in which they operate, and responsibility for infrastructure and rolling stock compliance is outside the rail service operator's remit, notwithstanding what the Transport Standards allocate to operators.

This makes compliance with the Transport Standards reliant on the commitment of other parties – including non-rail, non-transport stakeholders – to support the technical solutions needed to deliver accessible public transport. Some standards, considered by eminent industry experts, are not even viewed as fit for purpose. There is significant concern that even if standards are met, they may not be functional outcomes for people with disabilities.

As such, the need for additional funding to meet the new elements proposed in the D1 and D2 RIS should be transparently acknowledged. An Accessible Transport Fund could be established that offers a 50/50 funding arrangement with the Australian Government and State and Territory governments to assist in meeting the reformed Transport Standards.

If the Australian Government is not able to fund these reforms, this must be clearly communicated to all stakeholders including State and Territory governments. Clarity around how the reforms will or will not apply to existing infrastructure, conveyances, and premises, will also be vital to assist State and Territory governments in determining the real cost implications for the new requirements.