

30 June 2023

Disability Standards for Accessible Public Transport

Submission from Darwin Community Legal Service

Darwin Community Legal Service (**DCLS**) welcomes the opportunity to provide the Australian Government, Department of Infrastructure, Transport, Regional Development, Communications and the Arts with this submission to the 2022 Review of the Disability Standards for Accessible Public Transport 2002 (**Transport Standards**).

We intend to highlight specific and concerning experiences from people with disability in the Northern Territory unable to access public transport. We share these case studies to demonstrate that the Transport Standards do not consider the needs of community groups in regional and remote communities and people who use wheelchairs that exceed the standard dimensions of a typical wheelchair, for example, for those people who mobilise using an electronic bariatric wheelchair.

The Transport Standards do not make accommodations for people in remote communities. Due to the tropical wet season in the Top End of the Northern Territory impeding road access for months of the year, for many remote communities small aircraft is the only option to travel. Small aircraft are currently exempt from providing accessible boarding options, isolating people with mobility needs.

Similarly, no consideration is given to people who need to utilise assistive technology that exceeds standard dimensions of assistive technology, such as wheelchairs. This is prevalent in access to taxis and rideshares, which already limited, can be impossible for bariatric wheelchair users.

DCLS is experiencing an increase in demand for support to liaise with government at all levels to assist people with disabilities safely access public transport in the Northern Territory.

DCLS is witnessing the health, wellbeing, and human rights impacts of inaccessible public transport on the people with disability we assist. We hear stories of distress from people who are either prevented from accessing required public transport or compromise their safety and dignity in order to utilise what transport they can. This is especially prevalent for people outside of urban centres, and disproportionately impacts on people in remote and regional Australia. Any review of the Transport Standards needs to explicitly include remote and regional perspectives.

Recommendations

We recommend the following for review of the Transport Standards to improve accessible public transport in the Northern Territory.

- Remove small aircraft exemptions regarding accessing aircraft in remote communities that community members have no other means of travelling out of for parts of the year.
- Remove the burden on communities to consistently advocate and source funding for required amendments to make public transport accessible. Governments should meaningfully engage with advocacy and community groups and to assist with identifying appropriate grants to apply for, submitting grants and implicating required changes with required contractors.

- Co-design with remote and regional communities when reviewing legislation rather than adopting an urban only lens.
- Accommodate bariatric wheelchair users as they are currently prevented from accessing accessible public transport, such as taxis when required. Provide accessible transport that can accommodate electric bariatric wheelchairs which are larger size and weight than standard wheelchairs.
- The Federal Government needs to effectively monitor and enforce the target dates included in the legislation. There needs to be greater support for public transport providers to implement changes requires to meet the accessibility requirements and failing this, there needs to be implications to providers to ensure meaningful changes are made.

Case Studies

The following case studies highlight the impact of the Transport Standards that are resulting in a detrimental effect on people with disability in the Northern Territory. The case studies illustrate the importance of considering how the standards affect people in urban, regional, and remote communities differently. Furthermore, the case studies demonstrate how prolonged sunset clauses in legislation are a contributing factor to prolonging problematic transport for people.

Case Study 1	Maningrida Community
Brief outline	<p>Maningrida is a remote community located 500 km east of Darwin in Arnhem Land. The town population is approximately 2,500 and is not accessible by road during the wet season (December-March). During the wet season the only method of transport to the leave the community is via aircrafts.</p> <p>The airlines that operate in this community do not currently offer accessible boarding methods for people with disability to safely and reliably access the small aircraft, which seat under 30 passengers.</p>
Impact	<p>Members of the Maningrida community have consistently experienced accessibility issues due to the absence of an Aircraft Wheelchair Lift and the slimline Aisle Wheelchairs that are required for smaller aircrafts that visit remote communities.</p> <p>The lack of appropriate wheelchair lift access has limited community members access to cities such as Darwin which are required for social, health and cultural reasons. There are limited services available in the community, and travel to Darwin is a necessity for accessing health care beyond primary needs.</p> <p>The lack of accessible transport has resulted in members of the community not being able to take their required flights. People have had their safety jeopardised, and their dignity demised by requiring members of the public to carry them up the stairs or forcing people to explore other methods of climbing</p>

	stairs such as bum crawling backwards up the stairs. This poses a direct risk for the person with a disability and those helping them increasing risk of injury and also can cause humiliation, shame and guilt.
Transport Standards	<p>Revision is needed in the following sections of the Transport Standards:</p> <ul style="list-style-type: none"> - Section 6.2 Boarding Ramps - Section 8.2 When boarding devices must be provided - Section 8.3 Use of boarding devices - Section 14.1 Stairs not to be sole means of access. <p>The sections listed above enable exemptions to be made for small aircraft regarding accessibility requirements, such as stairs and boarding ramps.</p> <p>These sections are problematic because they do not require small aircraft to provide alternate access to the plane. Thus, small aircraft are required to only provide stairs as an access point, which poses a direct physical barrier for some people with disabilities which prevents them from boarding the aircraft. This section enables airlines and airports to avoid engaging with communities in a meaningful way to identify solutions to improve access for people with disabilities in a safe and dignified manner that does not involve stairs.</p> <p>The transport standards make multiple exemptions for small aircraft, which are defined in the instrument, as an aircraft that carries thirty passengers or less. As such, the aircraft do not need to comply with accessibility related legislation regarding aircraft access. This is unacceptable because for some people with disabilities their only form of public transport available to them are small aircraft.</p>

Case study 2	Mandorah Jetty
Brief outline	<p>The Mandorah Jetty supports the only ferry service from Darwin to the Cox Peninsula. The main communities on the Cox Peninsula are Wagait Beach and Belyuen. The ferry service takes passengers to Darwin in 15 minutes, the alternative is an almost 250km round trip drive around the Darwin harbour.</p> <p>Reports have previously investigated the jetty and the 2016 Jacobs Report into the state of the jetty identified non-compliance with accessibility standards and considerable structural deficiencies that required urgent repairs.¹ Whilst there are many problematic features of the jetty, most inaccessible is that the ferry is only accessible via multiple stairs. Despite a comprehensive report</p>

¹ Jacobs, 2016, Mandorah Jetty and Boat Ramp - Assessment and Upgrade Concept Study Department of Infrastructure (IW103400-ESO-RP-0001, T15-1406), prepared for DIPL on 15 September 2016.

	<p>identifying issues that require attention to ensure the ferry is accessible for people with disabilities the identified issues have not been rectified.</p> <p>Community members report that in response to community advocacy to improve the jetty new handrailing was installed to improve accessibility. However, the handrailing was not built to meet accessible standards and as such, it was not helpful in ensuring the jetty is safer and accessible.</p>
<p>Impact</p>	<p>Residents on the Cox Peninsula, particularly people with disability and others with mobility issues are unable to safely access the ferry. Members of the public have repeatedly reported falls whilst boarding the ferry due to the poor design.</p> <p>The journey by road from the Cox Peninsular to Darwin is significantly longer. The impact of having an inaccessible ferry means that people with disability have to invest increased amount of time and money to access public transport to take them to Darwin to access mainstream services and supports.</p> <p>People aged over 60 years old can access the ferry free of charge. However, people with disabilities, whom are also over the age of 60 can not utilise this financial saving, but instead they face an increased financial burden associated with fuel costs or paying for taxi services. Taxis from the Cox Peninsular to Darwin can cost approximately \$400.</p> <p>Alternative travel options have been explored for community members travelling to Darwin for medical purposes, such as the Patient Assistance Travel Scheme (PATS). The PATS scheme subsidises travel and accommodation costs required to travel long distances to see an approved medical specialist.</p> <p>However, members of the Wagait Beach and Belyuen communities are excluded from this program because they are located within 200 kilometres from Darwin. The Territory Government are currently reviewing their PATS policy to determine if the scheme can be extended to the Cox Peninsular, however, at this stage, there has been no conclusion.</p>
<p>Transport standards</p>	<p>Despite investigations occurring and serious noncompliance issues being identified, it is unclear what and when meaningful changes will occur to allow members of the Cox Peninsula community and visitors with disability to access the ferry or identify a suitable alternative. The ferry in concern meets the definition of a 'conveyance' as define in section 1.12(c) in the Transport Standards.</p> <p>Government officials have cited target dates, as per Part 5 of Schedule 1 (section 33.2) of the Standards, as a justifiable component for not being required to take action. The current standards allow a further nine years before</p>

	<p>public transport services need to comply with the relevant legislative instrument.</p> <p>Not only are these generous target dates preventing physical changes occurring they are demotivating people in positions of power to effectively engage with advocacy organisations and community groups in a meaningful way to resolve the current problems being experienced by people with disabilities.</p> <p>Whilst the required changes may be unachievable due to tides and costing, the standards could do more to encourage governments to actively engage with community to identify other accessible and appropriate options for transport. For example, government could provide an accessible shuttle bus if the ferry is not a viable option in the present day.</p>
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Case Study 3	Taxi Accessibility
Brief outline	<p>Accessible taxis in the Northern Territory are unable to accommodate people who mobilise in electronic bariatric wheelchairs.</p> <p>Members of the community who mobilise in a bariatric wheelchair are unable to utilise any mainstream or accessible taxi service in the greater Darwin region. The minimum standards in Australia for ensuring wheelchairs can access doorways, which include vehicle access, is outlined in the Australian Standards AS2942-1994. The Standards recommend 800mm minimum door width to allow wheelchair access and hoist installation. However, bariatric wheelchairs exceed these dimensions dependent on the requirement of the person. As a result, regular taxis and accessible taxis are unable to accommodate bariatric wheelchairs.</p>
Impact	<p>DCLS assists a client who cannot use taxis to access necessary health and therapy services. The only option for this person to requires their partner reduce their working hours in order to transport the client to and from appointments in their personal vehicle.</p> <p>This has resulted in an increased burden of care of the person’s partner whilst financially impacting the couple as it affects the carer’s ability to participate in employment. It also results in the client not attending appointments as they cannot access transport.</p> <p>The lack of available transport has affected the person’s autonomy and quality of life by restricting their movements. The lack of transport options due to inaccessible transport being available has increased the amount of time this</p>

	<p>person spends isolated at home and alienating the person further from the wider community.</p>
<p>Problematic sections of the legislation</p>	<p>Accessible taxis are not defined in the Transport Standards, therefore there are no minimum dimensions set in the Transport Standards. People requiring bariatric mobility equipment are overlooked in the legislation.</p> <p>The Transport Standards do not consider members of the community who need to access the community using bariatric wheelchairs.</p> <p>Part 9 of the Transport Standards refers to allocated spaces dedicated for single wheelchairs or similar mobility aids. The dimensions included state the spaces need to accommodate 800mm by 1300mm, however again this neglects the bariatric wheelchair dimensions which exceed the dimensions of a standard single wheelchair.</p>

If you have any questions, please contact:

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