

June 2023

# Submission to the 2022 Review of the Disability Standards for Accessible Public Transport 2002

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The Victorian Council of Social Service (VCOSS) is the peak body for social and community services in Victoria. VCOSS members reflect the diversity of the sector and include charities, peak bodies, frontline service groups, advocacy organisations and individuals passionate about the development of a sustainable, fair, and equitable society.

VCOSS is also the auspice organisation for the Disability Advocacy Resource Unit (DARU), which is jointly governed by VCOSS and Disability Advocacy Victoria (DAV). DARU, funded by the Victorian Government through the Office for Disability, supports Victoria's 28 disability advocacy organisations with information, learning and development, and projects that strengthen the capacity of the state-funded sector.

VCOSS welcomes the opportunity to provide input to the 2022 Review of the Disability Standards for Accessible Public Transport 2002.

## **The Standards don't provide a clear benchmark against which stakeholders can confidently assess performance**

The Transport Standards set out requirements for public transport operators and providers to remove discrimination from public transport services. Public transport operations and providers must comply with the Standards which are legally binding under the Disability Discrimination Act.

Whilst the Standards are reviewed every five years, and this is welcome, VCOSS does not believe the process is sufficiently robust. That's because, from the perspective of community sector stakeholders, it is difficult to gauge how effective the Standards are when the systemic underpinnings (monitoring of compliance, a culture of accountability and the application of learning to support continuous quality improvement) are weak.

For example, at a systemic level, it is hard to get an accurate and holistic picture of all the levels of accessibility and barriers that exist, because we don't have line of sight to clear data on operator/provider compliance. It is also still unclear how many parts of the system have been audited. For those parts that have been audited, the results are not often shared with the public, making it difficult to know whether issues are due to a failure to meet the standards or inadequate standards themselves<sup>i</sup>.

VCOSS is also concerned that the Standards lack tangible or specific powers to enforce compliance. This is problematic as, without this, there are no real incentives for operators and providers to comply with the Transport Standards. We know this often results in compliance audits being insufficiently done or not completed at all.

VCOSS recommends compliance with the standards should be monitored and enforced, with the results publicly made available. This would provide transparency and greater accountability for services and infrastructure to meet the legal requirements<sup>ii</sup>.

To ascertain the effectiveness of the Standards, VCOSS recommends a system-wide accessibility audit to be undertaken by the Victorian Government. This would allow the state to identify gaps and highlight areas of strength, providing a basis for planning, reviewing progress, and exploring whether the Transport Standards have had any meaningful impact.

## **Improvements to the complaint process are urgently needed – visibility and access are poor**

VCOSS members note that the complaints process, as it stands currently, is a complex, tedious, and often expensive process.

During the 2021-22 financial year, the Public Transport Ombudsman received a 10% increase in complaints<sup>iii</sup>. Complaints about accessibility specifically also rose (82, up from 35 in the 2020-21 financial year)<sup>iv</sup>. However, given people are often reluctant to complain or do not know where to go, the true figure is likely much greater.

VCOSS members have noted the time-consuming nature of the complaints process, with some cases taking up to three years to be resolved.

This review presents an opportunity for reform. A stronger, more equitable complaints process should be developed, and it should include the following elements:

- Accessible baseline information about the Standards – presently, the Disability Standards are not easy to find and access. This makes it difficult for people with disabilities to know what their rights are. It also creates uncertainty for prospective complainants to know if they have grounds. This needs to be remedied. It is critical that people with disabilities are aware of the Transport Standards and who is responsible for making journeys more accessible on public transport.
- Greater accessibility of the complaints process – the opportunity to make complaints (or provide feedback more generally) should be more visible, more accessible to people with disabilities (including those with complex communication needs) and easier all-round.
- Options should be available to make ‘private’ complaints whereby a person with disability is able to lodge a complaint without providing identifying personal information and/or can provide this information when making the complaint but under the proviso that it is not shared publicly. This would remove barriers to engagement for people with disabilities who are victim survivors of discrimination, neglect, abuse

or exploitation, have low levels of trust in institutions, and may experience fear of making a complaint that publicly identifies them.

- A process for ‘closing the loop’ on communication should be developed. This would allow the complainant to receive regular feedback and updates on the progress of their complaint, allowing for stronger accountability for transport operators and providers and a more empowered experience overall for people with disabilities.

## Barriers continue to exist across the transport network

Accessible transport and accessible journeys allow people with disabilities the ability to participate fully in their lives by connecting and engaging with work, education, healthcare, and their communities. Despite this, in Victoria, most of the transport network remains inadequate and inaccessible to meet the needs of people with disabilities in metropolitan, regional, and rural areas.

Victoria remains a long way from meeting its legislated requirements under the Disability Discrimination Act (1992), which requires all infrastructure to be fully compliant with the Standards for Accessible Public Transport 2002 (DSAPT) by 31 December 2022.

In an online survey conducted by VCOSS member DRC Advocacy, 67 per cent of people with disability said transport barriers meant they missed out on doing things they would like to do.<sup>v</sup>

Over the last year, VCOSS has embarked on two state-wide listening tours across Victoria to listen to people’s experiences of the pandemic. We wanted to understand how people were feeling two years into the pandemic and what support they needed to recover and live a good life.

Wherever we went across the state, people with disability spoke about the desperate need they have for more accessible transport.

***“Lack of accessible trams is really problematic for people with disabilities.”***

Community member, Northcote

Many of the problems were related to infrastructure rather than services: the right trains and trams might be there, but people can’t use them without accessible platforms.

***“I’m a train user and I find the distance between the train and the platform... We need a handle on the outside of the train or just on the inside. The gaps are like this [indicating with hands], the steps are too deep and too wide.”***

Community member, Northcote

There also remain issues with access to information. Many people with acquired brain injury told us they struggle to understand the Victorian public transport app, which should be an informational service accessible to everyone. We’ve heard from VCOSS members that information on timetables, apps and websites is rarely presented in an accessible manner. With the move towards most information being hosted on digital platforms such as apps or

websites, it is essential to consider and respond to the needs of people who remain 'digitally excluded' because they don't have data or personal devices to connect to the internet, or have low levels of literacy, are not proficient in English or face other barriers to accessing, navigation and understanding information online.

Additionally, VCOSS members note a need for further improvements in:

- Help for people get on and off ramps.
- Making sure temperature, lighting and bathrooms in public transport facilities are appropriate.
- Reducing discriminatory attitudes of customer service and transport operator workers.
- Awareness of the rules relating to and acceptance of service animals in taxis and rideshare services.

These barriers to public transport access and use highlight the important role community transport plays in filling existing gaps.

Community Transport providers support people with disabilities and older people to 'live their lives', driving them to medical appointments, shops for essential supplies and important mainstream services.

Community Transport is a critical service, especially for those people who live in areas not serviced by public transport, taxis or rideshare services. VCOSS continues to advocate for greater government investment in community transport, to strengthen the viability and reach of these services. However, we note that, if our public transport system was genuinely non-discriminatory and fully accessible, the pressure on these over-stretched volunteer-resourced services would be significantly reduced.

## **The Transport Standards should include rideshare and school bus services**

Given they provide public transport services, VCOSS's position is that the Transport Standards should be amended to explicitly include rideshare and school bus services, both of which are currently exempt. Rideshare and school bus owners and operators should be held responsible for complying with the Standards.

We also note that the Public Interest Advocacy Centre (PIAC) and National Inclusive Transport Network (NITAN) are also advocating for air travel to be included (in addition to rideshare and school bus transport).

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<sup>i</sup> VCOSS, [Empowered Lives](#), accessed 24 June 2023.

<sup>ii</sup> *ibid*

<sup>iii</sup> Public Transport Ombudsman, *Annual Report 2022*, June 2023.

<sup>iv</sup> *ibid*

<sup>v</sup> DRC Advocacy, *Transport For All*, October 2018



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