



Blind Citizens Australia

**Comments on the Review of the Disability Standards on
Accessible Public Transport Draft Report**

Contact:

Leah Hobson
National Policy Officer
Blind Citizens Australia
PO Box 24
SUNSHINE VIC 3020
Phone: 1800 033 660
leah.hobson@bca.org.au

About Blind Citizens Australia

Blind Citizens Australia (BCA) is the peak national advocacy organisation of and for people who are blind or vision impaired. Our mission is to achieve equity and equality by our empowerment, by promoting positive community attitudes, and by striving for high quality and accessible services which meet our needs. As the national advocacy peak body we have over 3000 individual members, branches nationwide and 13 affiliate organisations that represent the interests of blind or vision impaired Australians.

1. Do you consider that the draft report has addressed the key issues of importance to this review? If not, what other issues do you consider important to this review?

Blind Citizens Australia believes that the draft report goes some way to addressing the key issues raised by the review. In particular, it reflects concerns regarding monitoring, mode specific issues and the level of technical detail within the Standards. There are, however, some omissions at the recommendation stage.

One of the key issues raised by the report is the lack of information made available to people with disabilities regarding the Standards. It is notable, then, that not only do the recommendations neglect to set out a clear plan to deal with this issue – for example, through government funding for education programs and plain English publications – but that the report itself is not very accessible to people with disabilities. At over 250 pages the report is not an easy read, and without an executive

summary it becomes especially difficult for anyone with literacy issues, print disabilities or a low level of education to access. BCA strongly believes that the final report should address these problems.

The report also fails to make any recommendations regarding 'whole of journey' implementation of the Standards. There seems to be an underlying assumption that it is either impossible to implement strategies to improve the current situation, or that the present circumstances are acceptable.

BCA contends that neither of these statements is true. Tram and bus routes, for example, could run accessible stock at negotiated times of day so that patrons with disabilities would have fixed opportunities to use public transport. Strategic, whole of journey based implementation planning should be encouraged. This could potentially be achieved through a resource examining best practice in whole of journey implementation, and/or a requirement to report on whole of journey outcomes in any compulsory reporting framework.

In the recommendation regarding changes to the Transport Standard, there are no recommendations to change Part 27, which relates to provision of information. Blind Citizens Australia is particularly concerned that this part of the Standards is too vague to be constructively interpreted by operators 'on the ground'. Current practice bears this out; trains, buses and trams all have variable success when it comes to announcing their arrival at a particular stop.

There needs to be a clearer indication in both the Standards and the guidelines of exactly what it means to provide accessible information, and what performance measures will be used to monitor success. For example, this could include assessing train station platform timetable displays for accessibility to people who are blind or vision impaired, reporting on stop announcements and the availability of Braille timetables.

Recommendations:

- (a) That the final report be made more accessible to people with disabilities**
- (b) That the final report include recommendations to improve 'whole of journey' accessibility as the Standards are implemented**
- (c) That the final report includes a recommendation to clarify the requirements for information provision as per Part 27 of the Standards.**

2. Do you consider that the proposed framework is the best approach to implementing changes from this review? If not, how could it be improved?

Overall, Blind Citizens Australia supports the proposed framework as a good plan for action to reduce some of the problems currently associated with the Transport Standards and their implementation. Responses to each element of the framework are outlined below.

Recommendation 1: APTJC establish a technical expert group to:

- *Review technical amendments proposed by this review,*
- *Consider current exemptions as amendments to the Transport Standards when they expire, and*
- *Consider the feasibility of incorporating safety requirements into the Transport Standards*

This group could be used to review technical issues as they arise, thus reducing the burden on the temporary exemptions process.

Blind Citizens Australia believes that the creation of a technical group under APTJC is an important step towards clearer specifications within the Transport Standards and easier negotiation processes for all parties.

We believe that any such group should have suitable representation from people with disabilities, not just 'a small group of technical experts' as outlined in the options section of the draft report. It is also important that this group is able to communicate effectively with people with disabilities, government and industry bodies at a wider level before changes are made. This will be especially important if the committee has an ongoing technical review function which to some extent replaces temporary exemptions, but it remains a key method of ensuring that usability criteria are considered alongside technical ones regardless.

Blind Citizens Australia is particularly supportive of some of the changes to the Standards themselves recommended by the review, namely:

Part 2.1 – Changing the definition of an access path.

There appears to be an error in the recommendation within Table 12.1 on page 158 of the report, because access paths are already described as unhindered, and the change would be to define them as 'clearly defined'. BCA would support the inclusion of the term 'clearly defined' in Part 2.1, but doesn't feel that 'unhindered' should be dropped.

Part 14 – Remove inconsistency in requirements for stair nosing between different Australian Standards.

This would require some research by the technical group regarding what would be best practice.

Part 17.7 – Establish a requirement for lettering on the inside and outside of all taxis

While BCA is supportive of this step, we believe that raised taxi numbers should be accompanied by Braille because there are some Braille users who have little or no familiarity with raised numbers. This is, for example, the case in Hong Kong, which has raised tactile and Braille signage on every taxi in operation. Although Hong Kong has no equivalent of the Disability Discrimination Act, it is compulsory for each taxi to have a raised tactile/Braille number on the outside and inside of each door. These signs are donated by Toyota, which manufactures the taxi fleet for Hong Kong.

Closer to home, the West Australian government is the only State government sponsoring the introduction of tactile taxi signage. By funding this initiative itself, the government has been able to ensure the consistency of signage as well as the introduction of best practice, which includes the provision of Braille numbering.

Part 18.1 – 18.2 – Amend to require TGSIs on internal stairs in conveyances, to improve safety

Again, research would be required to determine best practice in terms of the safest and most appropriate tactile indications in each mode of transport.

Part 18.3 – Amend the current requirements for colour contrast (of TGSIs) to reflect luminance contrast standards

Part 19.1 – Insert requirements for tactile maps and audio signals for emergency procedures

While Blind Citizens Australia supports the proposed committee functions of reviewing technical amendments and the consideration of adding safety requirements to the Transport Standard, we do not believe that sidestepping or replacing temporary exemptions to the Standards is necessary.

The HREOC Guidelines for Exemptions to the DDA state that exemptions are designed to be temporary measures which allow for an individual provider to meet the goals of the *Disability Discrimination Act*. Changes to the Standards should require a systemic issue to be raised by an industry, government or group of people with disabilities as a whole. If changes could occur through a technical committee such as the one proposed, there is a risk that industry bodies would use this step in order to create more lenient Standards. There would be no recourse for people with disabilities to lobby for more stringent standards as a counter-balance.

Blind Citizens Australia would also be supportive of Option 1B – to allow the committee to insert the text of the Australian Standards in the Standards - being included in

this report as a final recommendation. While the evaluation of this option found that it would only remove low levels of discrimination and would place high costs on service providers, Blind Citizens Australia argues that the discrimination in this case is higher than the report allows for. Research shows us that many people with disabilities are on lower-than-average incomes and those people would find accessing the Australian Standards impossible. If people with disabilities as a whole are less able to access the Australian Standards than most others, failure to supply the Australian Standards at a reasonable cost is potentially indirect, systemic discrimination.

Regardless of whether the Australian Standards are included within the Standards, Blind Citizens Australia maintains that the Guidelines should include specific instructions about their use. In particular, the Guidelines should state that the Australian Standards used in the Standards are a minimum requirement only, and that providers putting in place new or retrofitted equipment or infrastructure should consult widely to make sure they meet current needs where possible.

Additionally, if the Australian Standards are to be included in the Transport Standards, a plain English version should be available to maximise accessibility.

Recommendations:

- (a) That the technical reference group include representatives of people with disabilities, and that the group take active steps to communicate broadly with the community**
- (b) That the change to Part 2.1 of the Standards refer to 'clearly defined and unhindered' access paths**

- (c) That changes to Parts 14 and 18.1 and 18.2 be accompanied by research into best practice implementation**
- (d) That the changes to Part 17.7 include the provision of Braille as well as raised tactile signage**
- (e) That the technical group should not undertake work which would replace temporary exemptions**
- (f) That the Australian Standards be provided as part of the Transport Standards with appropriate accessibility measures**

Recommendation 2: The exclusions for dedicated school buses be removed and school bus services be included in the Transport Standards on a delayed compliance timeline

Blind Citizens Australia supports this recommendation. We believe that the inclusion of school buses within the Standards will allow for safer, more independent travel by children with disabilities. For children who are blind or vision impaired this is an important step towards leading more broadly independent lives as they become older.

Recommendation 3: Amend the exclusion for community bus services to include in the Transport Standards those community bus services whose purpose it is to service people with disabilities or older people

Blind Citizens Australia supports this recommendation. For people who are blind or vision impaired, community transport

is sometimes a key part of their ability to travel. This is especially true for those in rural and outer suburban areas, where other forms of public transport are not as reliable or prevalent. However, we do have some concerns about actual implementation.

In the first instance, the definitions of community bus service would need to be much clearer than they appear to be in the recommendation. A 'community bus service' can include services run by non-government organisations, very small community cooperatives and private companies running a low or non-profit service. It may include small vans or large coaches travelling to and from a range of locations, and destinations may vary in terms of their accessibility, through no fault of the organisation providing the bus. The definition of 'whose purpose it is to service people with disabilities or older people' may also be taken very broadly, especially in areas where the general population consists of a very high number of people who are disabled or older.

This is especially concerning because many smaller community organisations will not be able to fund retrofitting of their current stock. Even the relatively low cost of upgrading signage and adding TGSIs around steps may be prohibitive for some, and the option of seeking a temporary exemption would be equally daunting for a small group. We are concerned that this could lead to a high rate of deliberate non-compliance within the sector if not handled carefully.

In light of these issues, BCA recommends that the introduction of community buses into the Transport Standards be targeted at only new stock, and with provisions for government support. For example, the Standards or guidelines could stipulate that all government grants for

community transport must be awarded to organisations which would make the final vehicles compliant.

Recommendations:

- (a) That the definition of eligible community bus services be made very clear in the Transport Standards**
- (b) That the review consider methods for overcoming potential barriers to community bus compliance with the Standards**

Recommendation 4: Modal sub-committees be appointed by APTJC to develop Guidelines under the Transport Standard by mode of public transport. These guidelines to be developed in consultation with APTNAC.

Blind Citizens Australia supports the creation of mode specific guidelines to assist with the appropriate implementation of the Transport Standards in what are sometimes vastly different situations. As noted in the draft report, this option does increase the risk of lower consistency. Addressing this issue will be difficult, and we encourage the Review to specifically recommend that consistency should be a reporting requirement under any national reporting scheme, with a minimum standard for 'common attributes' such as lighting and access paths across all modes. These minimum standards could be based on outcomes for travellers, such as a certain level of lighting available at all times, rather than a specific type of light with a prescribed placement.

BCA also supports the rejected option of establishing an advisory body (Option 2B). We believe that many community

groups would benefit from the creation of such a body, because it would free up often under-resourced disability advocates to provide education and advice to people with disabilities instead of transport providers. At present, disability advocates are often left to handle highly technical questions from transport providers and government bodies regarding the Standards because there is nobody else to ask. While advocates are usually happy to help, it does mean that consistency levels across public transport may be affected by different interpretations and agendas.

Recommendations:

- (a) That performance based outcomes be established for non-mode specific areas of the Standards so that consistency is preserved**
- (b) That the review reconsider the option of an advisory body**

Recommendation 5: An APTJC subcommittee formed to develop a new labelling scheme for mobility aids and advise on assistance animal standards

Blind Citizens Australia is supportive of this recommendation, particularly with regards to assistance animals. As the report states, assistance animal definitions are a broader problem under the Disability Discrimination Act, and there will be issues surrounding jurisdiction for decisions in this area as a result.

The laws governing the public use of dog guides are well established elsewhere – in the Derelict Animals (?) Act, and state anti-discrimination laws. We believe that dog guides should be exempt from any controversy caused by the lack

of a clear definition of an assistance animal in the Disability Discrimination Act.

Recommendation 6: Provide HREOC with referral powers to instigate cases in Federal Court where it identifies broader or systemic non-compliance

BCA supports this recommendation. Giving HREOC powers which are similar to those maintained by the ACCC, ACMA and ASIC would take the burden off people with disabilities to make individual complaints, and would allow disability advocacy organisations to raise more pressing issues with HREOC directly. It would also allow HREOC to bring the full force of the law against repeat offenders who may have a number of similar individual cases resolved quietly through conciliation.

However, the draft report does not outline the details of a particular model or change to legislation. While this may be outside of what the review team feels is its scope, it creates confusion and uncertainty, meaning that fewer organisations are likely to support what BCA believes to be a positive step forward for people with disabilities. To solve this problem, BCA suggests that the recommendation outlines a specific model for HREOC to instigate and take complaints to the Federal Court.

Recommendation:

That the final report offer more detail of the processes for HREOC to take cases to the Federal Court

Recommendation 7: APTJC develops a mandatory reporting framework for Commonwealth, State and Territory governments and implement the framework by end 2008

Although consistent reporting is a significant issue within the Standards, BCA understands that APTJC has attempted to create a mandatory government reporting framework in the past with little success. This appears to be because APTJC is comprised of people who are employed by the very bureaucracies which would need to consent to the adoption of a mandatory framework.

Even if consensus among the various jurisdictions were possible, BCA maintains that a reporting framework for government transport and infrastructure departments should not be developed by those very departments. BCA would like to see a national, consistent reporting framework, but feels that another organisation would be better placed to handle the development of the necessary requirements.

Recommendation:

That the review consider another, more appropriate organisation to develop and enforce compulsory reporting frameworks

Recommendation 8: The Australian Bureau of Statistics to include a question on public transport patronage in surveys of people with disability

There is a strong need for information about the public transport patronage habits of people with disabilities in Australia. Data collection could be used to improve services across the public transport system, and to monitor the issues facing people with disabilities and older people as implementation progresses. Given the importance of this area, BCA believes that a question on public transport

patronage should be compulsory for survey recipients so as to ensure a viable sample size.

Recommendation 9: APTNAC and APTJC agree to a new consultative framework with additional responsibilities for both committees

With the exceptions noted above aside, BCA agrees with this recommendation.