



Disability Rights Advocacy Service Inc

Safeguarding and promoting the rights and
interests of people with disability, their families

SUBMISSION INTO THE REVIEW OF THE STAGE 2 REFORMS OF THE PUBLIC TRANSPORT STANDARDS

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Acknowledgement of Country



[Image description: Aboriginal and Torres Strait Islander flags]

The Disability Rights Advocacy Service Inc acknowledges that this submission was completed on Kurna Land. We pay our respects to Elders past, present and emerging. We recognise the continuing relationship with the lands and seas and connection to culture.

Kurna Miyurna yaiya yarta-mathanya Wama Tarntanyaku, parnaku yailtya, parnaku tapa puru purruna. Kurna Miyurna ithu yailtya purruna, yarta kuma puru martinthi, puru warri-apinthe, puru tangka martulayinthe.

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Background

Disability Rights Advocacy Service is part of a national network of disability advocacy organisations funded by the Australian Government Department of Social Services to provide individual advocacy, Royal Commission advocacy and systemic advocacy for persons with disability. We service three areas in South Australia, representing people who reside within greater metropolitan Adelaide, the Adelaide Hills and Murray Bridge, the South-East and Coorong region, and the Riverland.

As part of our work our advocates assist persons with disability directly through the National Disability Advocacy Program (NDAP) and NDIS appeals program, as well as assist individuals to tell their story to the Disability Royal Commission. In putting together this submission we have reviewed case studies, research, attended stakeholder forums, online workshops and community forums.

Theme 1: Finding information

Communicating and sharing information about public transport; Technology and buying tickets

1. Currently there are no definitions or regulations about what accessibility looks like in practice that can be applied and easily understood.
2. The Standards should be updated so there are nationally consistent guidelines and baseline lists for what should be made available for passengers with disability and how these should be communicated in an accessible way.
3. There are currently no requirements for what format information is displayed in or how information is communicated for passengers with disability.
4. There should be requirements for real-time communication between operators, providers and people with disability to provide feedback and receive assistance.
5. There should be increased options and requirements for providers and operators to share information about the public transport journey. This could include, for example:
 - a. Voice announcements;
 - b. Increased visual displays and images;
 - c. Consistent national standards for braille, raised lettering, signs and symbols;
 - d. Hearing loops;
 - e. Assistance staff for people who cannot use technology such as apps;
 - f. Information available in a range of different languages.

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6. There should be requirements about what information is provided to passengers. This could include, for example, where to enter and exit a public transport vessel, and how to enter and exit a public transport vessel (i.e. which direction). This is particularly helpful for public transport sites where there are many levels or stations for example.
7. The general public is now more reliant on mobile technology. Online systems and applications are being used to communicate with customers about public transport journeys. Many fare systems have gone online where cash is not used, particularly the case with the onset of the COVID pandemic. However, there are no accessibility requirements for these online systems. As a result there are limited or no disability modifications for electronic digital devices for fare payment.
8. The Transport Standards do not cover existing or rapidly changing technology meaning it is not fit-for-purpose. Due to this there are often no accessible online fare options. This could mean that persons with disability may have to call instead of using the website, and anecdotally in some cases has led people being charged more with service fees.
9. Working to make online services more accessible brings challenges. For local metro websites and applications managed by Australian governments or companies there may be more connected relationships, meaning the ability for the Transport Standards to regulate these local systems may be easier. However, the general public often relies upon the applications of bigger multinational companies (such as Google or Apple maps), which may be more difficult to regulate from an Australian perspective. This would likely require the Australian Government working with the US.
10. Ticketing devices and machines need to be made more accessible for persons with disability. This includes:
 - a. Accessible information on where to find and how to access ticketing machines or devices;
 - b. Accessible technology used on the machines;
 - c. Where ticketing machines and devices are located, including multiple locations to recharge;
 - d. Physical accessibility i.e. how high or low a machine can be accessed.
11. Whole-of-journey connections should be considered where public transport is regulated. This means providing adequate information both at entry and exit sites. Persons with disability have told us that there can be inconsistency of information at different points of their journey. For example, there is sufficient information where they get on a train, but not when they get off the train at their stop. We have also heard that accessibility may be offered in more 'high profile' areas such as a transport hub, but not in areas with lower traffic. Accessibility should be offered in all public transport sites.
12. Information should be available in a range of formats to accommodate for a diverse range of disabilities. Information should be tactile, verbal and visual in a seamless package with quality data that is co-designed with people with disability.

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Theme 2: Arriving at public transport

Getting to public transport, waiting areas and seats, public toilets

13. Currently under the Standards there are regulations about what kind of items are required but there is not much detail on the logistics or practicalities associated with these requirements. This includes:
- Handrails and grabrails *are* required under the Standards but there are no regulations about *where* they should be located. For example, at entry or exit points, at resting or waiting points, along pathways, etc. These kinds of rails are also not required to be non-slip rails which causes safety concerns.
 - Resting points *are* required at public transport sites but there are *no* requirements for wheelchair spaces or other aides.
 - No requirements for accessible resting areas along access paths.
 - Limited definition about what a 'waiting area' is and what accessibility looks like in this case;
 - Adequate lighting that is accessible and promotes safety.
14. Lifts, escalators and travellers within and surrounding public transport sites should be regulated to be made more accessible. This includes:
- Verbal announcements/spoken information;
 - Braille signs;
 - Emergency information in accessible formats;
 - Width and depth sufficient for wheelchairs or assistive devices (not just standard sizes but a range of sizes).
15. There should be more accessibility requirements relating to taxi waiting bays (i.e. at public transport sites such as airports, bus depots or taxi ranks). This includes availability of priority seating, ramp availability, disability parking bays for taxis.
16. Increase regulations around accessible parking spaces at public transport sites. For example, implementing requirements about how many should be made available according to the proportion of overall parking spaces.
17. Public transport sites should implement staff assistance points to assist individuals in getting information and/or assistance. People with disability have told us that currently they rely on the goodwill of strangers to help them get around public transport sites. Staff at public transport sites should be trained in disability awareness – including security guards, drivers, and customer service staff.

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Theme 3: Using public transport

Getting on and off public transport; Safety on and around public transport

18. Currently the Standards relating to getting on and off public transport have been described as unclear. People with disability have told us there should be increased regulations relating to:
- a. Accessibility ramps i.e. how steep or wide they can be, raised edges, how they are made available, such as automatic ramps that work with doors (modern vessels have access ramps attached to doors that automatically deploy for all passengers);
 - b. How long a public transport vessel must wait before a person can get on before leaving;
 - c. How long a driver waits before people are given an opportunity to get to their spot after getting on a public transport vessel, before taking off (safety concerns have been raised about persons with disabilities having accidents or getting injured due to not having enough time to get to a safe position);
 - d. How tall or wide public transport vessel doors are, and how they can be opened;
 - e. Improving the definition of what 'accessible seating' is, when and how they are available, and how they are explained or can be used;
 - f. Making accessible toilets available on board vessels, and expand the definition of the types of accessible toilets according to the diverse range of disabilities;
 - g. Improving lighting accessibility on board, such as the brightness of lights (i.e. low glare, illumination, that is comfortable and useful), where they are, and when they are used;
 - h. Whether restraints such as seatbelts and offered, how they can be made available or accessible – for example seatbelts that can be attached to wheelchairs;
 - i. Mandating driver disability awareness training under the Standards including safety resources;
 - j. Safe disability areas on board that have sufficient space for wheelchairs, walkers, other assistive devices or mobility aides and assistive animals.;
 - k. An understanding or acknowledge that not all disabilities are visible i.e. through signs on board;
 - l. Grabrails and handrails being made available onboard and having colour-coded requirements;
 - m. Making 'stop' buttons at a reachable height.

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Theme 4: Compliance and reporting

Making sure everyone follows the Standards

19. Currently it is difficult to measure compliance because there are no reporting requirements under the Standards.
20. The only way to measure compliance is to look at discrimination complaints made under the *Disability Discrimination Act 1992* (Cth) or the state anti-discrimination legislation such as the *Equal Opportunity Act 1984* (SA). However, disability discrimination complaints are not always publicly available if the parties go through conciliation – they are only publicly available if they get to a Tribunal hearing. Discrimination complaints can also be an expensive or onerous process, there is a high bar to prove disability discrimination, and the onus is on individual complainants. This is not an ideal approach of measuring compliance of the Standards because a user's poor experience of public transport may not amount to the definition of 'discrimination' under the legislation. Therefore it does not provide adequate feedback about the application of the Standards to improving transportation for people with disability.
21. Under the *United Nations Convention on the Rights of Persons with Disabilities* (UNCRPD) Article 31 there is a requirement for governments to collect appropriate information to improve policies that give effect to the Convention. There is currently no way to do so under the Transport Standards because there are no reporting requirements. Therefore Australia is likely not implementing this part of the UNCRPD if there is no way to collect and measure data about compliance.
22. The main source of feedback about the Transport Standards is through the five-yearly reviews of the Standards. But this has been described as 'clunky' and there is no ability to provide direct feedback about operators and providers and their compliance. There is also no nationally consistent way to provide feedback about compliance. The Third Review of the Standards identified that it was difficult to meet measures of compliance without any reporting requirements. There should be an easier complaints mechanism to provide feedback.
23. Having quality compliance data would assist the Government in identifying whether providers are meeting their compliance targets. The two options that have been identified in the review so far are:
 - a. Non-regulatory reporting i.e. self-reporting requirements OR
 - b. Regulatory reporting i.e. the Commonwealth Government works with State governments and the disability community to develop a compliance framework and data measuring system
24. We prefer the second option of regulatory reporting. It is more likely that providers and operators will provide data if they are mandated to do so. A legislated compliance framework would ensure that public transport systems are required to be accessible and that operators/providers can be held accountable for not following the Standards. Compliance should be nationally consistent across States and Territories. Reporting outcomes should be made publicly available and tabled in Parliament.

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