

CPSA



**COMBINED PENSIONERS
& SUPERANNUANTS
ASSOCIATION OF NSW INC**

Submission to the Australian Government Review of the Disability Standards for Accessible Public Transport

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CPSA is a non-profit, non-party-political membership association founded in 1931 which serves pensioners of all ages, superannuants and low-income retirees. CPSA has 130 branches and affiliated organisations with a combined membership of over 30,000 people living throughout NSW. CPSA's aim is to improve the standard of living and well-being of its members and constituents. CPSA depends for the majority of its funding for core activities as a peak body on a \$450,000 grant from NSW Family and Community Services' Office for Ageing. CPSA engages in systemic advocacy on behalf of its constituency. CPSA acknowledges the potential for conflict of interest arising for CPSA and the NSW Government as a result of this funding arrangement and is committed to managing any conflict of interest issues in an ethical manner.

CPSA welcomes the opportunity to make comment on the Review of the Disability Standards for Accessible Public Transport Draft Report. CPSA has a keen interest in accessible, affordable and available transport for all, including people with disability, older people and those living in rural and remote areas, groups which do not always enjoy the same level of access as other Australians. CPSA's submission will focus on the NSW experience as this is where our constituent base is and where our expertise lies.

CPSA is concerned that several of the recommendations made in the Draft Report are weak and non-specific. In light of the fact that limited progress has been made in the proposals put forward in the 2007 Review – with only three of fifteen recommendations being implemented – CPSA is not confident about the prospect of success of the most recent recommendations as they currently stand. CPSA is also concerned that the Draft Report retreats on a number of the recommendations put forward in the 2007 Report.

CPSA is also concerned that while the Review finds that overall the 2012 compliance targets have, for the most part, been met, service providers cite that the December 2017 targets may not be achieved unless significant resources are found and yet the Report contains no recommendations relating to funding or to clearly setting out responsibilities. Where the problems associated with this are very apparent in NSW is in relation to accessible bus stops. Transport for NSW states that it is a local government responsibility, whilst councils argue that they do not have the financial capacity. There needs to be clear guidelines formed so that such buck passing does not continue. CPSA and its members have been concerned that many bus stops in metropolitan areas have been erected by Adshel in return for advertising space. This process does not appear to be adequately monitored and some bus shelters have been erected in such a way which impedes accessibility of the space in general, for example, it narrows the footpath to the point that it is difficult to navigate a mobility scooter or a power wheelchair past the structure. One such contract agreement dated 30 July 2012 between Adshel and the Victorian Government for metropolitan Melbourne, which is available online, fails to address accessibility or the Transport Standards at all, which is concerning.

CPSA echoes the calls of disability organisations (noted in the Report) that equivalent access provisions do not result in equal outcomes for patrons with disability and do not foster independence. The requirement for direct assistance, particularly for boarding and alighting is patchy at best, depending very much on the attitude, skills and competency of particular staff members and coordination that does not always eventuate. For example, people requiring ramp access travelling on the rail network in NSW can have difficulty in finding a staff member on the platform and can face issues when leaving the train at the end of their trip. It is not uncommon for wheelchair users to arrive at their destination only to find that staff aren't ready to assist them, often citing that they thought the person was on a different train. In the absence of preferable full access, greater communication is required to ensure that events like this do not occur and this needs to be adequately

reflected in the Standards. CPSA is also concerned that the reliance on direct assistance provisions can not only conflict with Workplace Health and Safety requirements as outlined on page 107 of the Draft Report but also puts undue strain and responsibility onto carers who are required to take on this role.

Draft Report recommendations:

Recommendation 1 - National reporting on compliance

CPSA is a supporter of the development of a national framework for reporting on compliance by 30 June 2016. This is essential for ensuring that a standard measure is used and will hopefully minimise some of the irregular progress being made based on location and mode at present. CPSA strongly supports the Victorian Department of Transport recommendation put forward on page 123 calling for audits to establish baseline data. CPSA sees this as vital to ensuring accuracy in the data provided by Governments and service providers and will ensure confidence in the data.

At present CPSA views some of the progress data provided in the Draft Report with scepticism. For example the table on page 29 outlines that regular coaches (which replace trains at some junction points in regional areas) are 100 per cent accessible in NSW. This is counter to what is reported by CPSA members, many of whom are elderly, with age related disabilities. These travellers report facing difficulties in navigating buses with mobility aids, including walking frames, with others facing pain and health issues from not being able to move around a bus over the course of a journey as is possible on a train. Another key problem cited is that not all coaches have toilet facilities on board, a requirement for long trips for many older people. There is also a need for a wider view of accessibility to be taken into account, one which not only focuses on visible physical disabilities but also chronic illnesses, mobility and balance issues and intellectual disabilities.

CPSA also sees it as paramount that privately contracted public transport providers be required to provide compliance data regularly as a necessity, and not only when a Disability Discrimination Act complaint is made. This is particularly important given the preference for public-private partnerships by certain jurisdictions, a trend which CPSA does not support.

Recommendation 2 - Modernise the Transport Standards

While CPSA can see the value of updating the Transport Standards to bring them in line with current technology standards, we seek assurances that the timings for existing compliance milestones will not be extended as part of this process. Any extension of the current deadlines would be to the detriment of people with disability and older people with mobility impairments and runs counter to the objectives of the Standards.

CPSA would like to see smart ticketing, such as the Opal card in NSW, fall under the Disability Standards for Accessible Public Transport as part of this modernisation of the Standards.

With respect to the provision of information to people with disability, while CPSA is certainly supportive of accessible technologies and smart phone apps, and wishes to see their existence incorporated into the Standards, we reiterate the concerns of other submissions that not all people with disability are smart phone users and this should not be a requirement for adequate and reliable information. Accessible transport apps should be a welcome addition and not a replacement of essentials such as clear audio announcements, visual displays and the use of a range of formats for 'way finding' and timetable information.

Recommendation 3 - The complaints process

This recommendation, "that the Australian Government considers the concerns raised about the complaints process" is far too vague to be effective and result in any tangible positive outcome for people with disability. CPSA reiterates the concerns raised in the Draft Report about the burden placed on the complainant, which can put them under substantial financial risk if they lose their case and the fact that it is too costly for low income people to undertake the process, a point that is particularly pertinent given that people with disability are more likely to be living in poverty. Accessing the complaints system also requires a high level of information in order for people to be aware of it and able to access it, something that is currently lacking.

It is also hugely problematic that a complaint must be brought forward before compliance is determined. This puts an unnecessary burden on people with disability while allowing some services to operate at a sub-optimum standard without scrutiny. CPSA is concerned that service providers are not meeting the Standards because they are not required to report on them unless a complaint is made. Given the difficulty in making a complaint, or even finding out about your rights and the ability to complain, it is no surprise, yet nevertheless worrying, that the Transport Standards are seen as "trivial" by some operators until a complaint arises (page 74). Recommendation 3 needs to be much more concrete and the financial and information inhibitors to access need to be rectified so that the system functions as it should.

Recommendation 4 - Whole-of-journey accessibility

CPSA supports the recommendation for the development of accessibility guidelines for a whole-of-journey approach to public transport planning by 31 December 2015, incorporating all levels of Government. CPSA wishes to see the whole-of-journey approach being appropriate for all people with disability including older people and those with non-physical disabilities such as dementia and intellectual disabilities.

CPSA is, however, concerned that the Draft Report states that “whole-of-journey accessibility is integral to ensuring that people with disability can access and fully use public transport systems with *confidence*” (page 128, emphasis added). It is not simply confidence that is eroded when there isn’t accessibility across an entire trip: it often results in people not being able to take a trip at all.

A lack of whole-of-journey accessibility currently inhibits people with disability from accessing even accessible transport options. All modes of transport, including footpaths and roads and other Local Government infrastructure must be accessible. Commonly cited problems that deter older people and those with mobility issues include uneven and/or narrow footpaths, inadequate lighting, inadequate shade and rest areas, inconvenient or dangerous crossing locations, short pedestrian cycles at signal-controlled crossings and safety fears.

CPSA recommends that the accessibility guidelines clearly factor in events when services and infrastructure are disrupted through breakdowns or maintenance. This needs to include things such as lifts and escalators not being available and also when alternative transport is arranged. Currently, there are situations, particularly during track work in NSW where rail commuters are required to alight from the train at an inaccessible station and climb stairs to transfer to a bus. Where changeovers happen at a station without steps, the gradient of the slope is often not accessible for all people. Such changeovers occur at Waterfall Station, for example. There is also a need for clear language on signs and voice-over announcements when a journey is disrupted or an alternative route is required to be taken. Changes should be clearly outlined in simple language and necessary assistance given.

Recommendation 5 – National motorised mobility aid labelling scheme

While CPSA can see merit in developing a national mobility aid labelling scheme to denote the dimensions and weight of aids, CPSA does not want this used as an avenue to exclude transport access for people with disability. It would be useful for people to be able to know these dimensions at the time of purchase, however, at the end of the day people should be able to purchase the equipment that best suits their needs knowing that all the public transport they use can accommodate their mobility aid. Accessible space dimensions for transport modes need to factor in a wide range of mobility aids of differing sizes and the increasing use of motorised scooters. The need for additional space and weight needs to be factored in at the procurement stage of vehicles (including buses, coaches and wheelchair taxis), trains and planes and not as an after-thought as has occurred in the past, where, for example, only standard hospital issue wheelchairs have been tested on vehicles rather than the broad range of models which people are more likely to be using longer term.

Recommendation 6 - National wheelchair accessible taxi compliance milestones

It is not only a lack of wheelchair accessible taxis (WATs) which act as a barrier to people with disability accessing taxis. While many of the barriers are outlined in the Review, a key barrier is the cost, particularly for low income people. Subsidies such as the Taxi Transport Subsidy Scheme (TTSS) in NSW, which provides vouchers of half the fare up to a maximum subsidy of \$30 per trip for eligible people, is not enough to make taxis affordable. This is heightened for people living in rural and regional areas whose trips are substantially longer. The TTSS has not increased in value since 1999, while taxi fares have increased by over 50 per cent over the same period. Other concerns which have been raised by CPSA constituents are prejudice and a lack of driver awareness and sensitivity towards people with disability, and a refusal to take some people and their assistance animals. CPSA has also been alerted to intimidation tactics being used to illicit higher fares from older people. CPSA proposes that mandatory training be required for all taxi drivers, not just WAT drivers.

Exclusions from the Transport Standards

Community Transport

CPSA is concerned that community transport vehicles with 12 seats and over are exempt from the Transport Standards as it is the only form of transport available to many older people and people with disability. CPSA supports NCOSS's argument that it is a contradiction for community transport organisations to be exempt from the Standards given that community transport caters to people with disability. Community transport is increasingly relied upon to bridge the gap between demand and accessible public transport availability. Community transport organisations are therefore best placed to display best practice for transport accessibility. It is vital that they are adequately funded to allow them to meet this demand. CPSA proposes that the Transport Standards be amended to require all new community transport vehicles with 8 seat capacity and over to comply.

School buses

CPSA is concerned that the 2012 Review does not reiterate the 2007 recommendation to include school bus services within the Transport Standards, and by a timelier deadline than 2044 as recommended in the last Review. While this stalling is obviously detrimental for students with disability resulting in their exclusion, in addition, in many rural and regional areas the school bus into and out of town can be the only transport available for people. While this is problematic in and of itself, particularly during school holidays where there is no service at all, not requiring school buses to be accessible, also means that people with mobility impairments who do not have access to a car are also hindered by this. A large group of these users are elderly people who are no longer driving. School buses should be included in the Transport Standards, with a requirement that all new and replacement buses comply.

Temporary exemptions

CPSA supports VCOSS in its argument that temporary exemptions should only be provided to individual operators in special circumstances rather than to entire industries as this reduces the incentives for operators to develop innovative solutions to accessibility shortfalls.

Unjustifiable hardship

CPSA is concerned that 'unjustifiable hardship' is an argument being used by private companies to skirt around their responsibilities to provide accessible transport for people with disability and that clear guidelines aren't available to define the extent of unjustifiable hardship permitted. A case in point is Jetstar, a company which successfully used this argument to win a Disability Discrimination Act case about their two-wheelchair per flight limit.¹ This is despite the airline being profitable every year since its launch in 2004 boasting that it "delivered a record Underlying EBIT (Earnings Before Interest and Taxes) of AUD\$138 million in 2012-13."² In the same period Jetstar grew its overall capacity by 7 per cent and carried 23 million passengers, a 9 per cent increase on the previous financial year. Given these figures, it seems untenable that organisations such as this are able to argue that they cannot afford to increase their capacity to transport passengers with mobility aids.

¹ <http://www.abc.net.au/7.30/content/2012/s3411749.htm>

² <http://www.jetstar.com/mediacentre/facts-and-stats/jetstar-group>