

Physical Disability Australia Ltd  
PO Box 345  
Toowong QLD 4066.  
T | 1800 PDA ORG (1800 732 674)  
E | manager@pda.org.au  
🌐 | www.pda.org.au



Tuesday 9 August 2022

The Hon Catherine King MP  
Minister for Infrastructure, Transport, Regional Development and Local Government  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

## **RE: Reforms of the Disability Standards for Accessible Public Transport 2002**

Dear Minister

Thank you for providing an opportunity for us to respond to the *Reforms of the Disability Standards for Accessible Public Transport 2002: Stage 2 Consultation Regulation Impact Statement*<sup>1</sup> published in March this year (the Paper). Following some general statements about the frustration many public transport users with physical disability feel with regard to the continuing lack of complete public transport accessibility are our preferences with regard to the options suggested in the Paper for reforms to the *Disability Standards for Accessible Public Transport 2002* (DSAPT).

First up, PDA would like to see **all** public transport infrastructure, systems and mass transit vehicles fully accessible to **all** people with disability. Therefore, we would like to see strong regulatory requirements to ensure public transport operators meet all their responsibilities with regard to providing disability access and report on their DSAPT compliance measures (or lack thereof).

That **all** public transport is not yet fully accessible 30 years after the commencement of the *Disability Discrimination Act 1992* (DDA) and 20 years after the implementation of the DSAPT speaks to the fundamental failure of this legislation to effectively outlaw discrimination against people with disability in the area of public transport. Due to the requirement for (successful) complaints to be made to force compliance with the law, and the pernicious 'temporary exemption' and 'unjustifiable hardship' provisions that allow public transport operators to delay, if not outright deny people with disability access to their infrastructure and vehicles, people with disability are hindered from receiving the all the opportunity able Australians enjoy on a daily basis.

PDA calls for a thorough strengthening of the DSAPT and recommends (in all but a few instances) the most comprehensive regulations be put in place to pressure public transport operators to lift their game in making all their infrastructure and vehicles fully accessible to people with disability as soon as possible.

---

<sup>1</sup> <https://www.infrastructure.gov.au/sites/default/files/documents/reforms-disability-standards-for-accessible-public-transport-2002-stage2-consultation-regulation-impact-statement-march2022.pdf>

This is to the benefit of public transport users with disability and the Australian community as whole because, as the Paper notes:

*The results of the Cost Benefit Analysis indicate the **package of Stage 2 reforms produce overall positive economic outcome and there is a net benefit for the Australian community with a Benefit Cost Ratio of 2.05 and Net Present Value of \$12,407 million.*** (p. 27)

With specific regard to the Paper's sections:

### **Reporting**

The Paper notes "data [on compliance] is inconsistent, mainly qualitative and incomplete. Further, the data does not allow for a nationally consistent view of compliance against the [DSAPT] [n]or how to achieve it" (p. 32.).

Of the regulatory options, PDA would like to see Option 3 (Report compliance data on new or substantially refurbished and upgraded assets AND for specific assets only). Ideally, **all** mass public transport assets should be reported against as a means to ensure maximum accessibility, however we understand the DSAPT currently exempts some vehicles and systems (either explicitly or through omission). This should be rectified through an overhaul of the DSAPT to include **all** mass public transport infrastructure, vehicles and systems.

### **Equivalent Access**

The Paper notes that Equivalent Access is a provision that allows for public transport operators to put other measures in place (such as ordering accessible taxis for passengers in wheelchairs who are confronted with steps on rail-replacement buses) if they find it too difficult to comply with the standards, and they can't invoke 'unjustifiable hardship' provisions of the DDA nor secure an exemption from the DSAPT (p. 41).

The Paper also claims that "feedback from some stakeholders to the third review of the [DSAPT] identified that equivalent access is a reasonable mechanism to provide accessible solutions, while others noted it has limited application and effectiveness due to issues with design."

PDA believes the acceptability of equivalent access is a not something that should be allowed in the long term. Along with the aforementioned 'unjustifiable hardship' and 'temporary exemption' provisions, so-called 'equivalent access' arrangements segregate people with disability, deny them guaranteed scheduled arrival, and often provide a delayed journey when, with the example above, a taxi is called and takes a while to turn up.

The Regulatory Option proposed by the Paper (pp. 43-44) is a complex process that involves 7 steps to design, test, and certify a set of benchmarks so that 'equivalent access' arrangements did not amount to second rate public transport experiences for passengers with disability. This will, of course, take a lot of time and further delay the realisation of a public transport system that works for all passengers.

Instead, PDA would like to see provisions that allow transport operators to utilise 'equivalent access' solutions scrapped and that a greater focus be placed on upgrading infrastructure and acquiring accessible vehicles.

## **Rideshare**

As the Paper notes “the [DSAPT] are not clear on whether rideshare is covered ... this leads to ambiguity in relation to the obligations of rideshare service providers” (p. 49).

Rideshare is a new form of public transport not envisioned by the drafters of the DSAPT. The business model of rideshare platforms also blurs the distinction between transport operator and driver so that it is unclear who would be held accountable for lack of access. In either case, there is little capacity to acquire and staff wheelchair accessible vehicles let alone develop the technical infrastructure to deliver equitable access for those with non-physical disabilities without increasing fares to the point where the current advantages rideshare platform operators and drivers have over regulated taxis disappear.

Ideally, PDA would like to see the DSAPT impose the same conditions on rideshare companies that apply to taxi operators including requirements suggested by the limiting factors listed in the Paper: more accessible booking methods; a variety of payment options; proportion-based fleets of wheelchair accessible vehicles; and staff training in disability inclusion.

It should be noted that the accessibility of currently regulated taxi services are not yet comprehensive and wheelchair accessible taxis can be hard to source in regional and rural centres across Australia. To alleviate this we feel the DSAPT should require taxi services to operate a minimum number of wheelchair accessible vehicles (or a proportion of their fleets) to ensure passengers who need them do not have to wait any longer than hailers of regular vehicles.

## **Dedicated School Busses**

The Paper notes that dedicated school bus services are currently exempt from meeting accessibility requirements under the DSAPT (p. 55). This results in segregation of pupils and students with disability and extra burdens on parents who, as a result of the lack of access to school busses, need to make alternate arrangements for children with disabilities to attend school. The Paper also notes that, as school busses are completely exempt from the requirements placed on other busses, operators are free to continue purchasing inaccessible vehicles that are going to guarantee a lack of access for the foreseeable future.

From PDA's perspective, this situation must change.

We recommend Australia's Transport Ministers adopt Regulatory Option 1: Remove dedicated school bus exemptions from the DSAPT. This would provide pupils and students with disability the same opportunities afforded to those without disability and go a long way to reducing the number of inaccessible buses currently being used not only on school routes, but also charter operations on behalf of tourism businesses and rail operators who need to provide alternate arrangements when tracks need maintenance.

## **Part 2 – Information Communication and Wayfinding**

As PDA is primarily concerned about the interests of Australians with physical disability, we will leave it to our colleagues representing those with sensory and intellectual disabilities to provide informed feedback on the topics covered by Part 2 of the Paper (pp. 65-158).

The topic we do have something to say about is:

### **Accessible Fare System Elements**

As the Paper notes, in recent years, a lot of public transport systems have switched to the use of prepaid electronic cards and regular credit cards to gain access through gates and to receive payment through vehicle mounted terminals (p. 158). The Paper also notes that the DSAPT currently make no reference to fare systems nor do they prescribe any accessibility features.

Our members report that most public transport operators that have invested in digital ticketing have put in place arrangements that do not require people with disability who cannot operate the digital fare system to travel with a cheap (if not free) pass where staff open gates for them and acknowledge no payment is required. Sometimes this is a result of individual PDA members making discrimination complaints regarding the inaccessibility of these systems.

Transport operators who use these digital fare systems apparently understand they are open to complaint under the DDA, and analogous State and Territory anti-discrimination Acts if such measures were not put in place. Therefore unless any inclusion of fare systems in the DSAPT were completely rigorous and included very short timeframes for reaching compliance, we recommend the Status Quo option with regard to digital fare systems. It should be noted, however, that some access pass arrangements require passengers with disability to submit forms endorsed by allied health professionals (who charge for this service) to get this arrangement in place. A burden not placed on passengers with disability and therefore still technically a form of discrimination.

### **Doors on Access Paths**

The Paper notes that manually operated doors on public transport infrastructure paths can present a barrier to people with mobility impairments and poor dexterity, and that this is allowable due to a lack of clarity in the DSAPT (p. 170).

As with most of our other recommendations, PDA would like the most comprehensive regulations put in place to address this issue. In this case, Regulatory Option 1 requiring all doors that are operated by passengers to be powered is best for this purpose.

### **Continuous Accessibility on Access Paths**

The Paper notes there are issues with different ownership of public transport infrastructure and the land surrounding it and this makes monitoring and enforcement of the DSAPT provisions relating to access paths problematic (p. 177)

From PDA's perspective, this problem is overstated. Most bus stops and the road reserves they sit on belong to local government authorities and there is often a tight working relationship between State and Territory owned rail operators and the local government authorities that ensures refurbishment of legacy infrastructure incorporates upgrades to the access paths that connect them to car parks and drop-off zones.

That being stated, PDA would like there to be no room for not fit-for-purpose access paths to remain any longer than necessary. Therefore, we recommend the Regulatory Option that specifically requires access paths to meet specified Australian Standards.

## **Flange Gaps**

The Paper notes that the DSAPT do not currently regulate the gaps between rail tracks and abutting pathways and that, even though 40mm gap limits are designated for unassisted boarding platforms, many modern pedestrian level crossings have larger gaps and these pose a risk to people with disability (p. 181). The Paper also notes there is at least one rubber product that allows rail vehicles to pass while still providing an un-gapped surface for pedestrians with disability and others to whom the gaps represent a safety risk.

Given the risks posed by these flange gaps (and the barriers they present) to people with disability, we recommend Regulatory Option 1 that requires any flange gap to be filled with a suitable product or have the gap reduced to 40mm. We do not recommend allowing gaps of 75mm as these will not provide the same level of safety for passengers with disability that currently exists with unassisted boarding platform requirements.

## **Resting Points**

The Paper notes that while resting points are required where access paths exceed 60m in length, there is no current requirement for spaces to accommodate wheelchairs, mobility scooters and other mobility aids (p. 188). The Paper rightly points out that users of manual wheelchairs and companions of those with powered mobility aids would experience fatigue just as much as those the resting points currently assist.

PDA recommends the Regulatory Option that adds a requirement for a 1300mm by 800mm flat area adjacent to the designated resting seats be included in the DSAPT. This would acknowledge that passengers with disability often have carer responsibilities of their own.

## **Handrails in Overbridges and Subways**

The Paper notes that requirements for handrails are inconsistent and a great deal of latitude is provided to designers as to whether they are included in areas not specified in the DSAPT (p. 193).

Given handrails assist in providing stability to passengers and aid in wayfaring, we recommend the Regulatory Option that requires handrails to be included in overbridges and subways, as they are along open access paths, be adopted by the Transport Ministers.

## **Location of Fare System Elements**

The Paper (p. 198) notes a lack of clarity with regard to the locations of fare element systems such as platform access gates, validation devices on ferries and busses, and machines that allow passengers to add value to their digital fare cards. As with our response to Accessible Fare Systems above, our members report few issues with these as most operators have disability access pass systems in place that removes the need for many people with disability to use digital fare systems. Provided there are measures in place to ensure adequate staffing to assist people with disability entry and egress from platforms, PDA doesn't see the need for any measures here.

## **Allocated Spaces and Priority Seating in Waiting Areas**

The Paper notes that the current requirement of 5% of waiting area and vehicle seats to be designated priority access results in few seats being allocated to those with mobility impairments in some waiting areas as designers round decimal results down (p. 203). With the number of people wanting priority seating growing with the aging of the population and the NDIS enabling more people with disability to require access to public transport, PDA has long held the view that 5% (or a minimum of two) priority access seats on vehicles and waiting areas is not sufficient to meet current, let alone, future needs.

In this case, we do not feel the Regulatory Option goes far enough as it only specifies a 1 in 20 and part thereof requirement. It would be preferable for this to be raised to 1 in 15 as a means of future-proofing infrastructure as the number of people needing seats near doors and exit points increases.

## **Accessible Toilets with Equal Proportion of Left and Right Hand Configurations**

The Paper recognises that many people with disability require specifically left or right hand positioning of grab rails in toilets to safely transfer between mobility devices and toilet sets, but that this is not recognised in the DSAPT through a requirement for equal proportions on public transport vehicles where 2 or more unisex accessible toilets are installed (p. 209).

As with most other issues raised by the Paper, PDA recommends the Regulatory Option here.

## **Emergency Call Buttons in Accessible Toilets**

The Paper reports “The [DSAPT] have no requirement for emergency call buttons in accessible unisex toilets. As a result, people in emergency situations in accessible toilets will not be able to request help” (p. 214). It is also noted that the current Australian Standard 1428.2 (1992) specifies a single emergency call button that may not be reachable by those who have fallen to the ground and cannot rise.

In this instance PDA recommends the Transport Ministers adopt Regulatory Sub-Option 1 that places 2 emergency call buttons in each unisex accessible toilet at specified locations. Sub-Option 2 allows the placement of one button in the flush control panel runs the risk of accidental calls for help which might unduly alarm people with disability in vulnerable situations and lead to a lack of vigilance from transport staff if it happens too often.

## **Ambulant Toilets**

The DSAPT currently have no requirements regarding the provision of so-called ambulant toilets that feature greater width and bilateral grab rails (p. 220), and while those who benefit from these are free to use the wheelchair accessible toilets, many conveyances only have one of these, so it would be an accessibility improvement for at least one of any regular toilet be made ambulant.

In keeping with our general position, PDA recommends the Regulatory Option be adopted here.

## **Lift Specifications and Enhancements**

Page 225 of the Paper notes the current lift specifications are obsolete and that modernisation of currently compliant plant would be of benefit to passengers with disability who require or prefer using lifts to access platforms and concourses. Again, we recommend the Regulatory Option that refers to the 2020 Australian Standard for Lifts, Escalators and Moving Walks.

## **Specifications for Escalators and Inclined Travellators**

The Paper notes the DSAPT do not currently specify minimum clear path widths for escalators and travellators (p. 229). Another issue, not mentioned in the Paper is the placement of bollards around the entry to some escalators to prevent their use by people with mobility aids.

Again, PDA recommends the Regulatory Option that specifies a minimum width of 850mm for escalators and inclined travellators and that they not be the only means of access in relevant areas of public transport infrastructure. We would also like this section of the DSAPT to require entry and exit points be free of bollards or other obstructions.

## **Poles Objects and Luminance Contrasts and Lighting Levels**

Pages 223-255 of the Paper discuss issues and potential solutions surrounding visual contrast of objects in public transport settings and the lighting levels that are applicable for safe use by those with visual impairments.

As with our response to Part 2 (above), we will leave it to our colleagues who specifically represent people with visual impairments to provide advice in this area.

## **Signals and Process for Requesting Boarding Devices and Notification by Passengers of Need for Boarding Device**

The Paper notes that there is a lack of specificity in the DSAPT regarding the deployment of buttons or other signalling devices for passengers with disability wanting to board or alight from public transport vehicles (p. 257). Similarly, there are no provisions for passengers with disability to notify public transport staff that they need their assistance to deploy ramps and other boarding devices (p. 261).

In the first instance, PDA recommends Regulatory Option 2 requiring notification buttons to be continually illuminated. We oppose the use of words like 'should' in the DSAPT as it allows transport operators to select the less accessible option at their discretion.

In the second instance, PDA is disappointed the Regulatory Options require passengers with disability to prebook boarding assistance at stations that may be unstaffed when they wish to travel. Ideally, these locations should have staff available at all times or have platforms which meet requirements for unassisted boarding. As an alternative, vehicle drivers and guards must perform the task of providing boarding assistance. As it stands, the proposed options are discriminatory as they deny passengers with disability the opportunity to take public transport trips at a moment's notice if that is what they wish.

## **Portable Boarding Ramp Edge Barriers**

As noted in the Paper, the DSAPT do not currently specify the need for edge barriers on portable boarding ramps and this poses a risk for users of wheeled mobility aids

(p. 267). Given the safety risk, PDA expects the Transport Ministers to adopt the Regulatory Option 3 that mandates edge barriers of 75mm or more in accordance with Australian Standard AS3856.1 (2021).

### **Boarding Ramp and Removable Gangway Definitions**

The Paper points out the DSAPT currently makes no distinction between regular boarding ramps used on busses and trains and the removable gangways used on ferries and the pontoons that they use to board and disembark passengers (p. 272). While this is not necessarily a safety issue because ferry operators use convex removable gangways with bilateral handrails that are appropriate to the task of safely allowing passengers with disability to use ferries, it would be beneficial to distinguish regular boarding ramps and removable gangways in the DSAPT. Again, PDA recommends the Regulatory Option.

### **Removable Gangway Design – Ferries**

Following on from the last topic, the Paper notes in the DSAPT “There are many existing problems with ... requirements for gangways to ferries, including problems with the maximum length, the gradient, and the tripping hazard they can present to people with disability” (p. 275). These are caused by the lack of distinction between regular boarding ramps and removable gangways. To clarify the situation, and ensure safety for passengers with disability, PDA recommends the adoption of the Regulatory Option.

### **Nominated Assistance Boarding Points**

The Paper notes a lack of consistency between the systems rail operators employ to identify passengers who require boarding assistance and direct them to nominated boarding points on long and sometimes crowded platforms (p. 281).

In this situation, PDA recommends Regulatory Option 1 (Sub-Option 5) so that there is no doubt as to what rail operators must do to maximise the accessibility of their infrastructure, vehicles and operational practices.

### **Identification of Lead Stops**

The Paper identifies that “lead stops [being single designated stops that busses que to service] have been highlighted by people with disability as problematic when it comes to service recognition, moving to the right location on the platform and hailing the driver” (p. 289). This has the potential to inconvenience passengers with disability by denying them service and causing delays in their journeys.

To rectify this PDA recommends a consistent and comprehensive scheme be included in the DSAPT and so recommend the Regulatory Option here.

### **Pontoon Boarding Points on Infrastructure**

The Paper notes that while the DSAPT require boarding points generally to be “firm and level”, this is not possible for pontoons used by ferries that move in accordance with prevailing winds, tides and washes (p. 281). It is also noted that pontoons which service vessels with different freeboards may require grade separated boarding points or a buoyancy adjustment system to make the gradient between pontoon and ferries manageable by passengers using mobility aids.



From a safety perspective, it is therefore important that the DSAPT cover the stability of pontoons and the boarding points upon them. PDA therefore recommends the Regulatory Option be included in the DSAPT.

### **Bus, Tram and Light Rail Boarding Points on Infrastructure**

The Paper notes “boarding points for bus, tram and light rail do not have explicit gradient and crossfall requirements in the [DSAPT]” and that this can result in some boarding points having slopes that leave passengers in wheelchairs and on mobility scooters at risk of tipping over as they attempt to board the servicing vehicles (p. 285).

Here, PDA recommends Regulatory Option 1 that limits gradients and crossfalls to 1 in 40 slopes (or 1 in 33 for bitumen surfaces). We are also alarmed that Option 2 is also presented for consideration where slopes steeper than 1 in 40 allow infrastructure gradients to simply “match that of the road” (p. 287). This seems to risk injury to passengers using mobility aids for the sake of sparing infrastructure owners the inconvenience of modifying or moving the infrastructure concerned.

### **Hail-and-Ride Boarding Points on Infrastructure**

The Paper defines Hail-and-Ride services as those that allow passengers to board and disembark “at any safe point”. It is also noted that the DSAPT currently lacks both specifications for nominated accessible boarding points and what it means to have a “firm and level” surface at these points (p. 291).

We recommend the Regulatory Option be incorporated into the DSAPT so that all ‘hail-and-ride’ stops are accessible to passengers with disabilities using wheelchairs and mobility scooters.

### **Accessible Taxi Ranks and Passenger Loading Zones – On-Street**

The Paper raises the issue of there being no recognition of the difficulties faced by passengers with disability trying to board wheelchair accessible taxis and other small vehicles at points distant from public transport nodes (pp. 296 and 302). It is also noted that the streetscapes where many passenger loading zones are situated are the property of local government authorities and that, at present “the greatest proportion of passenger loading zones do not have any means by which a wheelchair might [safely] transit over the kerb [to the road surface].”

In keeping with our practice throughout this submission, PDA recommends the incorporation into the DSAPT of the most comprehensive Regulatory Option (Sub-Option 3) where 3 in 5 designated on-street passenger loading zone spaces meet the relevant Australian Standard clauses regarding accessible parking spaces.

### **Accessible Parking Spaces in Infrastructure – Off-Street Carparks**

The Paper notes the DSAPT “do not specify requirements for off-street parking areas associated with public transport infrastructure, requirements or specifications for accessible parking spaces, or access paths connecting them to accessible entrances” (p. 309). While many car parks associated with public transport do have reserved disability parking spaces and good access via short access paths to concourses, platforms and lifts, the lack of regulation means the number of these spaces and their position in car parks is left to the discretion of the infrastructure’s owners.

To deliver consistency in new and renovated infrastructure and to deliver maximum convenience to passengers with mobility impairments, PDA recommends something more than the Regulatory Option suggested in the Paper. In our view, 1 to 50 spaces is not sufficient to provide a reserved disability parking space to everyone who might need one, and would like to see a 1 to 30 ratio enshrined in the DSAPT. This would acknowledge the current number of people requiring these spaces now and the growth in this number as Australia's population ages and more citizens develop mobility impairments. However, if this cannot be agreed to then a mandate for 1 to 50 (or part thereof) and for all to be reserved in the case of 5 or fewer spaces (Sub-Option 2) should be part of the DSAPT going forwards.

### **Grabrails on [vehicle] Access Paths and in Allocated Spaces**

The Paper notes that the DSAPT currently only specifies that grabrails gracing the path between a conveyance's door and allocated seat have an appropriate luminance contrast and that, as a result, some such paths may have no grabrails at all (p. 315). It is also noted that people with disability who are ambulant would benefit from the provision of such fixtures in vehicles between their doors and allocated seats and that mobility aid users would similarly benefit from their installation in allocated spaces (p. 320).

Therefore PDA recommends the luminance contrast requirements for grabrails be bolstered by mandates for their installation in trains, busses and ferries as detailed in the relevant Regulatory Options

### **Mobility Aid Movement in Allocated Spaces—Passive and Active Restraints**

A few years ago, a PDA member using a motorised wheelchair on a bus was thrown from his wheelchair and partially crushed by it when the bus he was travelling on negotiated a corner at a speed less than the designated limit for that section of the route. As a result, he suffered injuries that resulted in further functional impairments and the need for more attendant care and assistive technology to help him live a (somewhat) ordinary life. Clearly, passengers using mobility aids would benefit from comprehensive restraint in some public transport vehicles to safeguard them from situations that might injure them and add to the burden placed on them by their existing disability. Unhelpfully, "the [DSAPT] are vague on how an allocated space is to contain the movement of a mobility aid towards the front or sides of a conveyance and do not provide adequate advice to ensure the safety of passengers travelling with mobility aid devices." (p. 325 and hinted at on p. 331).

All passengers on public transport should feel safe in transit and so PDA recommends, in the strongest possible terms, that appropriate Regulatory Options for passive restraint of mobility devices and active restraint of passengers with disability be adopted so they do not suffer the same fate as our recently injured [now deceased] member.

### **Appropriate seats on booked services**

The Paper notes that current provisions requiring designated accessible seats to be held in reserve are no longer fit-for-purpose given the digital booking systems currently in use and some passengers with disability's preferences for non-designated seats on booked services (p. 336). In addition to this, some public transport operators require passengers who wish to reserve accessible seats to use in-person (physical or telephone) seat booking methods rather than the potentially more convenient internet-based services.

PDA therefore recommends the Regulatory Option that emphasises seat appropriateness over nominated accessibility, that accessible seats be available in all vehicle seat classes, and that these be made available through all seat-booking modalities.

### **Conveyance Dwell Times at Stops**

The Paper notes the need for adequate time for passengers with disability to secure themselves (and their mobility aids) in allocated spaces before the public transport vehicle commences its journey to the next stop, and that this is not yet specified in the DSAPT (p. 340).

As this presents a risk to the safety of not just people with disability, but also the elderly, and other passengers that may be close by, PDA strongly encourages the adoption of the Regulatory Option here through requirements for specified dwell times at stops where **any** passenger boards or disembarks.

### **Stairs on Trains, Ferries and Busses**

With respect to the specifications of stairs on trains, ferries and busses, PDA would like to see them abolished altogether in areas accessed by passengers. Stairs are, by their very nature, a barrier to many people with mobility impairments and we would like all public transport operators to refrain from continuing to use, let alone commissioning, vehicles that have them as means of accessing any passenger area.

That being said, where stairs are present we would like them to be as accessible as possible and so recommend, reluctantly, the relevant Regulatory Options that impede the least on the amenity of un-staired areas while providing the safest possible climb and descent to passengers who can use them.

### **Doorway Contrast and Height**

As with our response to Part 2 (above), we will leave it to our colleagues who specifically represent people with visual impairments to provide advice in this area with regard to doorway contrast. We however find the lack of height specification alarming. Tall passengers, as well as those with disability should have appropriate access through doorways through the adoption of the appropriate standard dimensions.

## **Part 6: Implementation Approach**

This section of the Paper discussed what might happen once Australia's Transport Ministers settle on the various 'Status Quo', Non-Regulatory' and 'Regulatory' options discussed in the Stage 2 reform areas. It raises the prospect that adopted regulations may be applied retrospectively or prospectively. Importantly, from PDA's perspective, it is intended that any reform "as far as possible, eliminate[s] discrimination against people with disability, and ... provide[s] greater certainty to operators and providers regarding their responsibilities under the [DSAPT] and DDA" (p. 364).

From the experience of our members and other Australians with physical disability who to this day experience ongoing discrimination through denial of access to public transport infrastructure and the vehicles that service it, this will only be accomplished through adopting almost all the most stringent and precise Regulatory Options presented in the Paper and applying them retrospectively. If this happens, public transport operators will know exactly what they have to do to their existing and

planned assets to avoid being open to complaint and passengers with disability will know what they have a right to expect when they select and use public transport options.

PDA therefore recommends the Transport Ministers adopt Implementation Option 1 that would see the legislatively amended DSAPT applied retrospectively to all public transport assets in accordance with a new compliance schedule based on the sections of the DSAPT rather than the individual assets concerned.

***As the peak national representative organisation for people with physical disability, Physical Disability Australia hopes to be involved in the stakeholder consultations that will inform the setting of any new compliance schedule.***

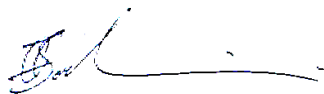
## **Conclusion**

In this submission PDA provides consistent advice to adopt the most stringent regulations to bring about the changes that will ensure public transport in Australia is as accessible as it can be to passengers with physical disabilities. We have done this because, despite the DDA being in force for 30 years and the DSAPT for 20, there are still many components of Australia's public transport infrastructure and still many vehicles that are inaccessible to people with disability.

This sad state of affairs is likely to continue as long as public transport operators are shielded by a lack of rigour in the DSAPT's requirements and the Australian Human Rights Commission's preparedness to grant so-called 'temporary exemptions' to State, Territory and Local Governments, privately owned public transport providers and the representative organisations they belong to. As noted in the introduction to this submission, compliance with Australia's human rights instruments is not enforced absent a complaint be made and successfully prosecuted.

Given that it is passengers with disability who ultimately bare the burden of responsibility for enforcing compliance with the DDA and DSAPT, they should be provided with a set of Transport Standards that clearly define what must (not should) be provided in terms of infrastructure and vehicles so that they have access to the convenience public transport provides to Australians without disability sooner rather than later.

Yours Sincerely,



Andrew Fairbairn  
President and Director (WA)  
Physical Disability Australia



Simon Burchill  
General Manager  
Physical Disability Australia

C.c. The Hon David Elliott MP, NSW Minister for Transport  
The Hon Ben Carroll MP, VIC Minister for Public Transport  
The Hon Mark Bailey MP, Minister for Transport and Main Roads  
The Hon Tom Koutsantonis MP, SA Minister for Infrastructure and Transport  
The Hon Rita Saffioti MLA, WA Minister for Transport; Planning; Ports  
Mr Michael Ferguson MP, TAS Minister for Infrastructure and Transport  
Mr Chris Steel, MLA, ACT Minister for Transport and City Services

The Hon Eva Lawler MLA, NT Minister for Infrastructure, Planning and Logistics

**About Us:**

Physical Disability Australia (PDA) is a national peak membership-based representative organisation run by people with physical disability for people with physical disability. PDA was founded 25 years ago and we have over 1,000 members from all Australian States and Territories. Our purpose is to:

- Remove barriers through systematic advocacy to all levels of government to enable every Australian living with a physical disability opportunities to realise their full potential;
- Proactively embrace and promote difference and diversity for an inclusive society; and
- Actively promote of the rights, responsibilities, issues and participation of Australians with physical disability.