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**Submission on the application by the Australasian Railway Association (ARA) for temporary exemptions from Parts of the Disability Standards for Accessible Public Transport (DSAPT)**

# Introduction

All Aboard is a network of individuals and representatives of community and local government organisations, primarily in Victoria, who have an interest in the accessibility of public transport for all people who wish to use it.

**All Aboard is of the opinion that the Australasian Railway Association should not be granted any temporary exemptions from the DSAPT on behalf of its members.** There are a number of reasons, including but not limited to:

1. The ARA itself is not directly responsible for fulfilling obligations under the DSAPT – this is the responsibility of each individual provider or operator.
2. Temporary exemptions that cover an entire industry may send the wrong signal to those members that are fulfilling their obligations under the DSAPT and providing good access. For example, an industry-wide five year temporary exemption from DSAPT Part 21.2 (2) may be used as a reason by a currently compliant operator to revert to discriminatory service booking practices.
3. Some temporary exemptions or conditions may be relevant in only one jurisdiction or limited circumstances such as narrow gauge rail. Whilst this may have no effect at all in other jurisdictions or transport environments, a blanket exemption may lead to regressive accessibility practices in some cases.

**All Aboard believes that each rail operator and provider should apply individually** for any temporary exemptions that may be applicable in that particular jurisdiction or transport environment.

**This submission from All Aboard is based on the assumption that the Commission will, at least for the time being, continue to accept applications for temporary exemptions from the ARA as the representative of all the rail operators and providers affected by the DSAPT.**

All Aboard recognises the need, from time to time, for public transport operators and providers to be granted temporary exemptions from the DSAPT. It is important that these organisations are provided with fair opportunity to bring older rolling stock, infrastructure, procedures and services into compliance.

**Temporary exemptions should never be granted in relation to, or to include, new (built or brought into service after October 2002) services, rolling stock or infrastructure.**

Compliance with the DSAPT is the minimum standard required to ensure all people have access to public transport services. In Australia, All Aboard has observed that these minimum standards are often at best used as an aspirational target by many transport operators and providers, and at worst, simply ignored.

All Aboard requests the Commission take into account what, if any progress has been made by individual ARA members towards compliance with the DSAPT since 2007 and whether temporary exemptions have contributed to this progress.

The experience of All Aboard members in Melbourne is that the rail transport operators and providers are still, at the date of this submission thirteen years after the introduction of the DSAPT, purchasing new rolling stock that does not fully comply (DSAPT Part 33.1).

Thirteen years after its introduction, after several past applications by the ARA for temporary exemptions from various Parts of the DSAPT, relatively little progress has been made towards proper access to public transport. This is shown by the large number of temporary exemptions being applied for in this application by the ARA.

Many of the targets stipulated in DSAPT Schedule 1 have been, or will be missed by many years. This is an indication that not only do we have a problem of rolling stock and infrastructure, we have a problem of culture and a historical lack of the will within organisations to make the necessary changes.

The ARA application refers in several places to Accessibility Reference Groups. In one such example (page 15, third paragraph) it is stated that “*ARA members consult with their Accessibility Reference Groups on all major station upgrades*”. This quoted statement leads the reader to assume that all ARA members have an Accessibility Reference Group. All Aboard believes that this is not the case.

All Aboard is aware that on occasion, some ARA members in Victoria consult with various disability (and other) groups on some issues. But this is irregular and generally ad-hoc. All Aboard knows of only one ARA member in Victoria that has a regular forum that might be called an Accessibility Reference Group.

All Aboard wishes to draw attention to current temporary exemptions where a condition is that *“the ARA member concerned reports to the Commission every 12 months during the period of this exemption on measures taken…”* It is our understanding that the ARA has been relying on the Commission’s observer status to the RISSB Code development process as an alternative to the required reporting. We believe that the Commission should require reporting “*by the member concerned*” so that more relevant information is obtained in a format that can be acted upon and distributed as necessary.

# Comment on the Attachments to the ARA Application

**Attachment 1: Improving Rail Station Access in Australia**

Publication - 2013

This is a very informative document which provides a good insight into the future designs of rail stations in Australia. Disability access is given a high priority.

Table 10 is missing

**Attachment 2: Platform–train interface for rail passengers – a technology review**

Publication - 2012

This document has many broken, out of date web links)

Page 3, a conclusion from a study by Atkins Rail (2004) is quoted. This study apparently included 120 people, some with disabilities. It says that an acceptable combined stepping distance parameter (horizontal and vertical added together) should not exceed 200mm. All Aboard challenges the validity of that study and any reference to it in the Platform–train interface document. The assumption that a person with disability, say who uses a mobility device, could traverse a gap of stepping distance parameter 200mm is absurd. This is almost four times the minimum requirement of the DSAPT.

In several places, including pages 1 and 4, the document refers to an incorrect DSAPT (Part 8.2) vertical step height of 15mm. This should be 12mm.

2.1.2 – In practice, the gaps on new US rail systems tend to be close to 0 vertically and around 25 to 40mm horizontally (personal testimony and photographs can be provided).

The “Glidelok” ramp, coincidentally originating in same state as the writers of this paper (Queensland), ranked highest out of all gap-bridging solutions investigated. However, a search of the internet yields very little information.

**Attachment 3: Wayfinding in the Rail Environment: Technology and Behaviour Review**

Publication - 2011

This is a very informative document that investigates wayfinding in the rail environment. It shows old and new technology and how it can be used to enhance the experience of all people who use public transport.

All Aboard wishes to comment on the following passage from page 61:

*Disabled customers are entitled to use the rail system as much as the general public. However, insufficient information is available on:*

* the number of disabled customers*

* the disabilities they experience*

* the types of stations they use*

* the periods of the day or week they prefer to travel.*

*This information is important because the locations with high concentrations of disabled customers may need more assistive aids than areas that experience no disabled customers. This is also important when scheduling trained rail personnel to be present at times at which more disabled customers use the station.*

The number of disabled customers that use particular locations will likely be affected by the current level of access. Therefore a railway station with poor access may experience no disabled customers. As accessibility is enhanced by applying appropriate wayfinding and other technologies, a station with low patronage by people with disabilities may become one with a high concentration. Likewise, the times at which certain types of customers travel may also change as accessibility is increased.

**Attachment 4: Lighting of Station Environment to Comply with Disability Standards for Accessible Public Transport**

All Aboard does not have a comment on this document at this time.

# Comment on the Submission by the Australasian Railway Association

**Group 1 Application for temporary exemptions from the Transport Standards**

2.1 Access Paths – Unhindered passage

If the Commission were to grant a temporary exemption to Part 2.1, All Aboard suggests that any conditions to the current exemption be retained subject to the following:

All Aboard recommends the following conditions be attached:

1. For a period of (three or) five years, flange gaps of up to 75mm are permitted where a level crossing forms part of an access path on rail premises or rail infrastructure. This exemption is subject to the condition that the member of the ARA concerned reports to the Commission every 12 months during the period of this exemption on measures taken to reduce the use of level crossings as part of access paths and on research undertaken into possible technical solutions for bridging flange gaps. That report should be a formal report and should also be made available to the public via the ARA and the AHRC website.
2. All new entrances and exits should be accessible as defined by Standards. (Reason – every access point is a potential emergency exit and people with disability should not be excluded from being able to use them as such).
3. Any premises or infrastructure built after October 2002 that is not in compliance with this Part should be reported immediately the AHRC along with a plan for rectification.

2.4 Access Paths – minimum unobstructed width

If the Commission were to grant a temporary exemption to Part 2.4, All Aboard suggests that any conditions to the current exemption be retained subject to the following:

One reason that pathways of minimum 1200mm width are necessary for public transport premises and infrastructure is for the safety of large numbers of people simultaneously moving in more than one direction, making their way to or from, or boarding and alighting conveyances.

If the Commission grants this exemption, All Aboard recommends that the current condition be retained:

*platform edge warning TGSIs are permitted to intrude into access paths, subject to the condition that where site constraints permit an access path with a minimum unobstructed width of 1000mm ~~is provided~~, and where site constraints require further intrusion of TGSIs into the access path such intrusion is the minimum required.*

All Aboard is of the view that platform edge warning TGSIs, wherever possible and subject to AS1428.4 Cl 6.7, should not form any part of an access path on a platform. They should be aligned along the platform edge side of the access path so as to give a correct indication of the location of the platform edge.

2.6 Access Paths - conveyances

If the Commission were to grant a temporary exemption to Part 2.6, All Aboard suggests that any conditions to the current exemption be retained subject to the following:

Since October 2002, the Melbourne metropolitan rail operator has been in breach of sub-sections (1), (2) and (3) of Part 2.6 with respect to both old (purchased prior to October 2002) and new (purchased after October 2002) conveyances.

Since temporary exemptions were first granted by the Commission in January 2007, the Melbourne metropolitan train operator has been in breach of the following conditions (highlighted in **bold** type) to the temporary exemption for Part 2.6 for both old and new conveyances:

For a period of three years for existing rail conveyance external doors, and for a period of two years for existing rail conveyance internal doors, the width of the access path may be reduced to a minimum of 760mm, subject to the following conditions:

• **direct assistance is available**;

• **the ARA member concerned ensures that information is available to passengers in advance of travel of instances where the width of the access path has been reduced**; and

• the ARA member concerned reports to the Commission within 12 months of this decision on technical options for the widening of access paths on existing rail conveyance external and internal doors and proposals for the implementation of these options. **Note: All Aboard is unable to determine whether this condition has been met because of the ad-hoc method that the Commission has apparently accepted as reporting from the ARA member.**

For a period of three years, access may be provided only by means of stairs to upper and lower decks of double deck existing rail cars, subject to the condition that access to unique facilities is assured.

For a period of three years, an access path is only required at a single door rather than all doors of existing rail conveyances, subject to the following conditions:

• **equivalent access is provided at an alternative door of the rail conveyance in the following circumstances**:

o **if an allocated space is not available**;

o to ensure access to unique facilities; or

o **to ensure a passenger can both board and alight the rail conveyance**; and

• the ARA member concerned reports to the Commission every 12 months during the period of this exemption on measures taken to ensure that staff and passengers are adequately informed of both the access paths available at the doors of existing rail conveyances and the equivalent access measures available.

Breaches of Part 2.6 and attached conditions (along with others relating to Part 8.2 and Part 9.6) have been the subject of at least one discrimination complaint to the Commission. The operator concerned has since taken no discernible action to comply with either Part 2.6 or the conditions and therefore continues to discriminate against people with disabilities.

All Aboard recommends that if the Commission grants this temporary exemption, that the current conditions be continued and compliance monitored.

All Aboard also recommends a further condition:

That the operator or provider concerned submit a detailed plan to the Commission, to also be made publicly available, to ensure that all conveyances (subject to the timetable set out in Part 33 for older conveyances) will be compliant with Part 2.6 by the end of the temporary exemption period. The Commission may also consider any penalties that are within its power to impose.

3.1 Circulation spaces for wheelchairs to turn in

If the Commission were to grant a temporary exemption to Part 3.1, All Aboard suggests that any conditions to the current exemption be retained and compliance monitored.

4.2 Passing areas – Two-way access paths and aerobridges

If the Commission were to grant a temporary exemption to Part 4.2, All Aboard suggests that any conditions to the current exemption be retained and compliance monitored.

5.1 Resting Points – Where resting points must be provided

If the Commission were to grant a temporary exemption to Part 5.1, All Aboard suggests that any conditions to the current exemption be retained and compliance monitored.

6.4 Slope of external boarding ramps

All Aboard does not support a temporary exemption from Part 6.4

Rail operators should provide assistance if required where the slope of a boarding ramp is greater than 1 in 8. In the 13 years since the introduction of the DSAPT and 8 years since the 2007 exemptions were granted, sufficient progress should have been made such that instances where the slope of a boarding ramp is greater than 1 in 8 should have been eliminated.

Further, contrary to the reasoning put forward by the ARA that staff may have a disability or injury, it must be understood that providing direct assistance is required by the DSAPT. Therefore any staff member in a position that may require them to provide direct assistance should be capable of doing so.

8.2 Boarding – When boarding devices must be provided

If the Commission were to grant a temporary exemption to Part 8.2, All Aboard suggests that any conditions to the current exemption be retained subject to the following:

All Aboard recognises the technical difficulty in providing solutions to reduce the boarding gap in the wide-ranging rail environment. But that difficulty is no excuse for inaction. If the technical solutions do not exist or need to be adapted from those used in other jurisdictions, then these need to actively pursued.

All Aboard draws the Commission’s attention to the very accessible boarding gap between some trains and some railway stations in Melbourne, some trams and some tram platforms in Melbourne, as well as some overseas examples such as Dallas, Atlanta, Las Vegas and Seattle in the US which demonstrate the following quote from the ARA application (page 29) to be false in all but the most extreme situations:

*Furthermore, rail standards which provide a method to control the hazard of a collision between a railcar and a platform require significantly greater tolerances than specified in the Transport Standards. For example, the combined result of the tolerances for lateral translation of vehicle body, body roll, wheel clearance and cant effect is 115mm in addition to the rolling stock static outline. Some rolling stock is smaller than the outline, and in this case the gap increases to 148mm. In curved platforms it is necessary to make additional allowance for the effect of end or centre throw.*

*Further variations due to historic platforms and movement of ballasted track may also negatively impact the gap at some locations. Vehicle movement is necessary to provide for an acceptable ride quality. Likewise track is constructed to achievable tolerances. To avoid a collision between rolling stock and platforms a gap greater than 115mm mm horizontal must be provided.*

All Aboard also disputes the following statement from the ARA application (page 30) that the deployment of a boarding ramp at a (single) nominated railcar door constitutes “equivalent access”:

*Operators rely on a combination of direct assistance by the railway staff and the deployment of a manual boarding ramp at nominated railcar doors to offer equivalent access for customers with disabilities. The boarding assistance ramps are deployed by railway staff at unmanned stations.*

The preceding quoted statement does not fit with Equivalent Access as defined in the DSAPT Part 1.16. (“…*an equivalent standard of amenity, availability, comfort, convenience, dignity, price and safety* … “). Access is certainly not equivalent if the nominated railcar door is at the front while the accessible entrance to the platform is at the back of the train. In this, not unusual situation, the person with a disability is required to travel a significantly greater distance than other passengers in order to board the conveyance. This may also necessarily require the potentially dangerous practice of navigating through hundreds of people on a crowded platform.

All Aboard understands that temporary exemptions allow time for these solutions to be found and applied. In the 8 years since the 2007 temporary exemptions were granted, little progress has been made.

In the 8 years since the 2007 temporary exemptions were granted, Melbourne’s metropolitan rail operator has been in breach of the condition that:

Equivalent access is provided at an alternative door of the rail conveyance in the following circumstances:

o if an allocated space is not available; or

o to ensure access to unique facilities; or

o to ensure a passenger can both board and alight the rail conveyance;

All Aboard has been advised of many instances where rail operator staff have told a person with a disability “to wait for the next train” when all of the 2 or 3 provided allocated spaces (breach of DSAPT Part 9.6) were occupied or when there was a fault preventing the front door from opening. This blatant refusal to comply with the temporary exemption conditions as determined by the Commission is unacceptable and should not be allowed to continue.

**All Aboard requests that the Commission take a proactive role in ensuring that all conditions to temporary exemptions are met.**

All Aboard recommends that if the Commission grants a temporary exemption to Part 8.2, that an amended set of conditions, similar to those set in 2007 and set out below, again be attached:

For a period of three years, a manual or power assisted boarding device is only required at a single door rather than all doors of a rail conveyance, subject to the following conditions:

• equivalent access is provided at an alternative door of the rail conveyance in the following circumstances:

o in order that all allocated spaces as prescribed in DSAPT Part 9.1 and 9.6 can be accessed by a path as prescribed by DSAPT Part 2.6 and 2.8; or

o to ensure access to unique facilities; or

o to ensure a passenger can both board and alight the rail conveyance; and

• the ARA member concerned reports to the Commission, in the manner prescribed by the Commission, every 12 months during the period of this exemption on measures taken to ensure that staff and passengers are adequately informed of both the doors of rail conveyances at which boarding devices are available and the equivalent access measures available.

(Note: This should be a formal report, rather than relying on the AHRC observer status at RISSB meetings, and should be available to the public through, at least, the AHRC and ARA websites.)

8.7 Boarding – Signals requesting the use of a boarding device

If the Commission were to grant a temporary exemption to Part 8.7, All Aboard suggests that any conditions to the current exemption be retained subject to the following:

All Aboard understands that in the public transport environment, and in particular where fold-up seats are used, that signalling buttons may need to be located in a position other than as specified in AS1428.2.

This area may be best addressed in a future review of the DSAPT, where signals become mandatory instead of optional, as is assumed in the current Part 8.7.

All Aboard would like to draw the Commission’s attention to the following paragraph from page 32 of the ARA submission:

*Alternative locations for signals outside the allocated space are clearly visible to customers using the allocated space. Typically they are located near the carriage door. The proposed clause could have an adverse impact in a very crowded peak commuter service, however no customer complaints have been received. It should be noted that the majority of customers with disability avoid travel during the AM and PM peak travel periods.*

Whilst the statements in the first and second sentences are generally true, it is unclear what is meant by “*the proposed clause*” and how the ARA has determined that it “*could have an adverse impact in a very crowded commuter service*.” Further, it is unclear how the ARA has determined that “*the majority of customers with disability avoid travel during the AM and PM peak travel periods*”. This statement ignores the many people with disability who have employment, educational, medical, recreational or social reasons for travelling at those peak times and underlines the discriminatory attitude that prevails in some sections of the public transport industry.

11.2 Handrails and grabrails – Handrails to be provided on access paths

All Aboard does not support a temporary exemption from Part 11.2 with regard to rail platforms.

All Aboard is of the view that it is possible, contrary to the view of the ARA, that it can be reasonably anticipated where handrails are likely to be required. There certainly may be some instances where a handrail is required along a long length of pathway or walkway. All Aboard expects that a certain amount of common sense would be applied in these situations and that the ARA’s proposed scenario where the handrails themselves become a hazard would simply not evolve.

12.2 Doorways and doors – Compliance with Australian Standard – premises and infrastructure

If the Commission were to grant a temporary exemption to Part 12.2, All Aboard suggests that any conditions to the current exemption be retained and compliance monitored.

12.4 Clear opening of doorways

If the Commission were to grant a temporary exemption to Part 12.4, All Aboard suggests that any conditions to the current exemption be retained subject to the following:

All Aboard observes that the first paragraph on page 38 of the ARA submission should more correctly begin with the word “some”. The resulting sentence would become:

*Some operators have undertaken extensive consultation in relation to aisle way and door width on trains with the disability sector and customers with a disability.*

This would more accurately describe the situation because there are operators, certainly in Victoria, who have not undertaken consultation, extensive or otherwise.

14.3 Stairs – Compliance with Australian Standards - conveyances

If the Commission were to grant a temporary exemption to Part 14.3, All Aboard suggests that any conditions to the current exemption be retained and compliance monitored.

15.2 Toilets – Location of accessible toilets

If the Commission were to grant a temporary exemption to Part 15.2, All Aboard suggests that any conditions to the current exemption be retained and compliance monitored.

15.3 Unisex accessible toilet – ferries and accessible railcars

If the Commission were to grant a temporary exemption to Part 15.3, All Aboard suggests that any conditions to the current exemption be retained and compliance monitored.

15.4 Toilets – Requirements for accessible toilets – ferries and accessible railcars

If the Commission were to grant a temporary exemption to Part 15.4, All Aboard suggests that any conditions to the current exemption be retained subject to the following:

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All Aboard notes that the ARA submission does define a new temporary exemption being sought from Part 15.4

There are a number of references in the ARA submission to narrow gauge rail and the difficulties of compliance due to space constraints. If these constraints are genuine and there are no solutions on the horizon, then for as long as narrow gauge rail systems are used, proper accessibility can never be achieved and discrimination cannot be eliminated. Perhaps the concerned ARA members should begin to consider whether narrow gauge rail has a place in the future of public transport in Australia.

All Aboard suggests that any temporary exemptions granted because of constraints in the narrow gauge rail environment should be specifically limited to that environment.

17.5 Signs – Electronic notices

If the Commission were to grant a temporary exemption to Part 17.5, All Aboard suggests that any conditions to the current exemption be retained and compliance monitored.

18.1 Tactile ground surface indicators - Location

All Aboard does not support a temporary exemption to Part 18.1.

All Aboard notes that the 2007 temporary exemption had the following conditions attached:

*For a period of three years, compliance with clause 18.1 is not required on rail premises and rail infrastructure, subject to the condition that the ARA member concerned:*

*• adopts architectural solutions or alternative way finding aids consistent with AS1428.4: 2002 Appendix B;*

*• consults with the Australian Federation of Disability Organisations every 12 months on the impact of this exemption on passenger amenity, in particular for people with vision impairments and people with physical disabilities; and*

*• reports to the Commission every 12 months during the period of this exemption on their implementation of architectural solutions or alternative way finding aids, the impact of this exemption on passenger amenity, and the outcome of the consultation with the Australian Federation of Disability Organisations.*

 ARA and its members have had at least 8 years to *“adopt architectural solutions or alternative way finding aids consistent with AS1428.4: 2002 Appendix B*”, “*consult with the Australian Federation of Disability Organisations*” and “*report to the Commission every 12 months during the period of this exemption on their implementation of architectural solutions or alternative way finding aids*”.

All Aboard expects that after at least 8 years, a suitable TGSI plan should have been developed and implemented and therefore a temporary exemption to Part 18.1 should not be necessary.

20.1 Lighting – Illumination levels – Premises and infrastructure

If the Commission were to grant a temporary exemption to Part 20.1, All Aboard suggests that any conditions to the current exemption be retained subject to the following:

All Aboard assumes that the Commission is satisfied that the current condition “*that the ARA member concerned complies in full with the lighting levels set out in ARA’s revised application dated 24 February 2006*…” is being met by all providers and operators. If this is not the case, All Aboard requests that the Commission seek a detailed report from the ARA.

21.1 Controls – Compliance with Australian Standard – premises and infrastructure

If the Commission were to grant a temporary exemption to Part 21.1, All Aboard suggests that any conditions to the current exemption be retained subject to the following:

Given the following statement from page 58 of the ARA application, the current temporary exemption conditions seem to be appropriate:

*An operator has worked with supplies to source a door that meets access requires and anti-vandalism requirements for public unisex toilet doors, in particular. Currently, a new design (with a hollowed out interior) appears to offer a viable solution and balances access requirements with security needs. Consultation is yet to be conducted but is anticipated to occur as part of a current network extension project.*

26.2 Hearing augmentation – Listening systems – Public address systems - conveyances

If the Commission were to grant a temporary exemption to Part 26.2, All Aboard suggests that any conditions to the current exemption be retained subject to the following:

All Aboard notes that current on-board passenger information displays (PIDs) do not have the flexibility to show real-time information as it may be announced by staff. This creates a situation where passengers with hearing impairment may not have access to the same information as others.

All Aboard has noted that messages and information provided by operators via smart phone “apps” are often received by the customer well after the event to which they relate. This may have little effect on a passenger who can hear an on-board announcement, but can have significant consequences for those passengers with hearing impairment.

All Aboard suggests that ARA members should investigate solutions that may allow on-board PIDs to display messages that mimic, in real-time, any audio announcement that may be made by an authorised staff member.

27.3 Information – Size and format of printing

If the Commission were to grant a temporary exemption to Part 27.3, All Aboard suggests that any conditions to the current exemption be retained subject to the following:

All Aboard has received numerous complaints over several years that some information is difficult to read because of poor luminance contrast. An example is the railway station name signs on platforms on the Melbourne rail network. This has been brought to the attention of the provider and operator on many occasions. However, change has been resisted because the format of the print on the signs would need to be changed from the chosen corporate colour scheme.

All Aboard argues that the ARA member/s concerned has been in breach of both Part 27.3(b) and the condition that “*if alternative colours adopted provide strong contrast, including for people with impaired colour vision*” since 2007.

28.1 Booked services – Notice of requirement for accessible travel

See Part 28.2

28.2 Booked services – Period of notice for accessible travel

All Aboard does not support a temporary exemption to Part 28.2.

People with disability or other groups with “special needs” generally do not want to be treated in a manner that is seen as different from everyone else. Being able to travel and participate in life like everyone else is important.

All people, regardless of ability, should be subject to the same period of notice for using booked services.

All travel should be accessible travel. Since the introduction of the DSAPT in 2002, the rail industry has had 13 years to achieve this. To require certain groups to provide additional (undefined) “reasonable” notice simply highlights the inflexibility and inherent inaccessibility of some transport conveyances and infrastructure.

Instead of placing additional conditions on people with disabilities who want (or need) to travel, the ARA and its members should be working toward providing better transport solutions.

**Group 2 Application for temporary exemptions from the Transport Standards in relation to issues that were previously deferred**

11.2 Handrails and grabrails – Handrails to be provided on access paths

All Aboard does not support a temporary exemption from Part 11.2 with regard to areas other than rail platforms.

The ARA application seems a little confused in relation to Part 11.2. Part 11.2 appears twice in the ARA application – first in Group 1 in relation to railway platforms where the Commission granted a conditional temporary exemption in 2007. The second appearance is in this section (Group 2) where the application is about areas other than rail platforms.

The view of All Aboard remains the same: that it is possible, contrary to the view of the ARA, that it can be reasonably anticipated where handrails are likely to be required. There certainly may be some instances where a handrail is required along a long length of pathway or walkway. All Aboard expects that a certain amount of common sense would be applied in these situations and that the ARA’s proposed scenario where the handrails themselves become a hazard would simply not evolve.

21.2 Passenger operated devices for opening and closing doors

All Aboard does not support an exemption from Part 21.2

The ability of a person with limited hand function to open a door is addressed by AS1428.2, Clauses 23.2 and 23.3 as referred to in the DSAPT Part 21.2. The use of door handles that do not comply with AS1428.2 Cl 23.2 and 23.3 should be avoided.

Whilst may be unlikely that a person with limited hand function would be able to open a locked door in an emergency situation, it may be possible for another passenger to do so where the staff were unable to unlock the doors.

In the case of an emergency where staff (or an automated system) were able to unlock the doors, but could not provide direct assistance, a door opening device complying with AS1428.2 should enable most passengers to be able to open the doors.

All Aboard also notes that the Melbourne metropolitan rail operator recently proposed a new design of door handle for the exterior of one model of train. All Aboard members assessed that this proposed design would be difficult to operate for many people with disabilities and that it would not comply with AS1428.2 Cl 23.2 and 23.3. All Aboard therefore recommended against adopting the new design.

21.3 Location of passenger operated devices for opening and locking doors

All Aboard does not support a temporary exemption from Part 21.3

Part 21.3 refers to AS1428.1 Cl 11.1.2 with regard to location of door handles or buttons. Handles or buttons are required to be between 900 and 1100mm above the finished floor height. All Aboard recognises that this is difficult to achieve with regard to external doors while there is so much variation between platforms and train door heights. Reducing the height differences between platforms and trains will do much toward eliminating barriers to access that are addressed in this and other Parts of the DSAPT.

All Aboard also notes that where internal door opening buttons are not fitted to the door leaves, but are placed less than 500mm from a corner, wheelchair or scooter users may be unable to reach therm. The quote from the ARA submission page 71 “*Customers with mobility devices may need to position themselves in a comfortable location to reach and press the button”* is not very helpful in such a case.

**Group 3 Application for temporary exemptions from Premises Standards**

H2.2 (1) Access Paths – Unhindered Passage

Premises Standards H2.2 (1) has the same effect as the DSAPT Part 2.1 and so the comments of All Aboard are also identical to our response to DSAPT Part 2.1

H2.2 (3) Accessways

Premises Standards H2.2 (3) has the same effect as the DSAPT Part 2.4 and so the comments of All Aboard are also identical to our response to DSAPT Part 2.4

H2.2 (6) Accessways

Premises Standards H2.2 (6) has the same effect as Transport Standards Part 3.1 and so the comments of All Aboard are also identical to our response to DSAPT Part 3.1

H2.2 (7) Accessways

Premises Standards H2.2 (7) has the same effect as Transport Standards Part 4.2 and so the comments of All Aboard are also identical to our response to DSAPT Part 4.2

H2.4 (2) Handrails and grabrails – Handrails to be provided on access paths

All Aboard does not support temporary exemption to H2.4 (2)

Premises Standards H2.4 (2) has the same effect as Transport Standards Part 11.2 and so the comments of All Aboard are also identical to our response to DSAPT Part 11.2 (in both Group 1 and Group 2).

H2.5 Doorways and doors – Compliance with Australian Standards – premises and infrastructure

Premises Standards H2.5 has the same effect as Transport Standards Part 12.2 and so the comments of All Aboard are also identical to our response to DSAPT Part 12.2

H2.9 Toilets – Location of accessible toilets

Premises Standards H2.9 has the same effect as Transport Standards Part 15.2 and so the comments of All Aboard are also identical to our response to DSAPT Part 15.2

H2.11 Tactile ground surface indicators – Location

All Aboard notes that contrary to the ARA submission, there is no current temporary exemption to H2.11 in place.

Premises Standards H2.11 is similar, but not identical to Transport Standards Part 18.1. However, the comments of All Aboard are identical to our response to DSAPT Part 18.1

H2.12 Lighting – Illumination – premises and infrastructure

Premises Standards H2.12 has the same effect as Transport Standards Part 20.1 and so the comments of All Aboard are identical to our response to DSAPT Part 20.1

H2.15 Controls – Compliance with Australian Standard – premises and infrastructure

Premises Standards H2.12 has the same effect as Transport Standards Part 21.1 and so the comments of All Aboard are identical to our response to DSAPT Part 21.1

**Conclusion**

All Aboard recommends formal reporting by ARA members to the Commission pursuant to the conditions of all temporary exemptions. This is in contrast to the current ad-hoc situation that relies on the Commission’s observer status to the RISSB Code development process. The Commission should make this reporting available for scrutiny by the public within a reasonable time after it is received by the Commission. The Commission should actively follow up with operators and providers where reports are not received by the due date.

In the 23 years since the Disability Discrimination Act, almost 13 years since October 2002 when the DSAPT came to life and the 8 years since the first temporary exemptions were granted, progress towards compliance by rail operators and providers in many parts of Australia has been too slow.

Some of the conditions to the temporary exemptions granted to the ARA have not been met. The public could interpret this to mean that ARA members have little regard for the DSAPT and little regard for the decisions of the Australian Human Rights Commission.

The Commission has granted temporary exemption after temporary exemption to the ARA while some rail operators and providers show little progress towards compliance with the DSAPT. This conduct is contrary to the remarks of Disability Discrimination Commissioner Graeme Innes in a speech to the Bus Industry Confederation in 2006:

<https://www.humanrights.gov.au/news/speeches/disability-standards-accessible-public-transport-where-are-we>

The concluding remarks of this speech included the following:
*“We will not tolerate exemption applications which are simply attempts to avoid responsibilities”.*

Thank you for your consideration.

Yours faithfully,

Ray Jordan

(Admin)

All Aboard Network