C Access to premises and public transport

Physical access has important implications for many areas of life. Access to premises and public transport affects the ability of people with disabilities to participate in areas of life such as employment, education and recreation. The main issues dealt with in this appendix relate to buildings (including public spaces and fit-out, often called 'the built environment') and transport (including conveyances and associated infrastructure).

Most disability discrimination in access to premises and transport is indirect discrimination. This occurs when the same rule or condition applies to everybody but has a disproportionate effect on people with disabilities (compared with those who do not have that disability) and is not 'reasonable' in the circumstances (s.6 of the *Disability Discrimination Act 1992* (DDA)). Requiring people to enter a premises via stairs, for example, could be indirect discrimination because it disproportionately disadvantages people using a wheelchair.

C.1 What is accessibility?

Under section 23 of the DDA, it is unlawful to discriminate against a person (or their associate) on the ground of their disability by refusing to allow access to, or the use of, any premises that the public is entitled to use. It is also unlawful to discriminate in the terms and conditions of access. However, section 23 also states that it is not unlawful to discriminate against a person on the ground of disability if making the premises accessible would impose unjustifiable hardship on the person who would have to provide access (see chapters 4 and 8).

'Accessibility' refers to the suitability of premises for people with a disability to enter and use. 'Premises' are defined in s.4 of the DDA to include a structure, building, aircraft, vehicle or vessel, as well as a place (whether built on or not) and a part of premises. In general, premises are inaccessible if a person with a disability cannot use them in the same way or to the same extent as a person without a disability can use them. However, different people interpret 'accessibility' in different ways (box C.1).

Box C.1 **What does accessibility mean?**

It is difficult to define the term 'accessible' because it is necessarily subjective; what is adequate or appropriate for one person may not be so for another. It has been suggested that people with disabilities are entitled to *equivalent access,* but there is debate as to what this involves.

The draft Disability Standards on Access to Premises require all parts of premises to which the public is entitled or allowed to enter be connected by a network of 'continuous accessible paths of travel' (ABCB 2004). This is defined as an uninterrupted route to or within premises or buildings, providing access to all services and facilities. It should not incorporate any step, stairway, turnstile, revolving door, escalator, hazard or impediment that would prevent it from being safely negotiated by people with disabilities (HREOC 1998a).

Some inquiry participants noted that improving accessibility for people with disabilities involved more than making sure they can physically get in and around premises. They expressed a desire for 'access with dignity' (Maurice Corcoran, trans., p. 1068; Dr Harry New, sub. 198, pp. 1–2).

The Australian Building Codes Board interprets 'access with dignity' to mean that people with disabilities have 'access to and within buildings and to the services and facilities of a building in a manner which does not devalue or demean them as people' (ABCB 2001, p. 9). The draft disability standards for access to premises are based on this interpretation of accessibility.

Sources: ABCB 2001; ABCB 2004; HREOC 1998a; various submissions.

Accessibility of premises is necessarily about physical access. People with mobility and other physical impairments are most affected by physical access barriers, such as inaccessible doorways and inadequate manoeuvring areas, ramps or handrails. However, people with vision, hearing and cognitive impairments also experience access barriers to the physical environment, which might include inadequate lighting, a lack of tactile surfaces, a lack of audio systems and jumbled signage. To a lesser extent, the construction and maintenance of the physical environment can also affect accessibility for people with behavioural disabilities, chemical sensitivities, allergies and phobias, among other conditions.

C.2 Access to premises

To date, an advisory note on access to premises prepared by the Human Rights and Equal Opportunity Commission (HREOC) has been the main source of information on people's rights and responsibilities under the DDA to improve access, although draft standards have now been produced. HREOC has also conducted inquiries into aspects of access to buildings. For example, an inquiry into access to polling booths

was prompted by a complaint after a local government election. Following the inquiry, the Electoral Council of Australia agreed to review access and set benchmarks for polling booths (HREOC 2000c).

Disability standards on access to premises

The DDA was amended in 2000 to allow the formulation of disability standards for access to, and use of, any premises that the public or a section of the public is entitled or allowed to enter or use. Building owners, developers and local councils have long been concerned about the lack of consistency between the DDA and the Building Code of Australia (BCA):

> One of the things that we've found—or I've certainly found in trying to move this work on in our community is the fact that the DDA and the BCA aren't on a common ground—there's a great deal of gap between them—and the consequent standards that the BCA calls up don't come up to scratch in terms of the DDA. (Maroochy Shire Council, trans., p. 195)

The draft disability standards for access to premises and associated documents, such as guidelines and the regulation impact statement (RIS), were released for comment in January 2004. The draft premises standards comprise the access requirements of the BCA that have been revised to make them consistent with the DDA. Under the standards, building owners and managers must satisfy the performance requirements set out in the access code when applying for building approval.

The disability standards allow some building owners and managers to claim that compliance would impose an unjustifiable hardship and contain criteria for assessing the validity of such claims. However, the defence is limited to work done on existing buildings. That is, prospective owners and managers of new buildings cannot claim unjustifiable hardship when seeking building approval (s.4.1(1)(a)). Further, the owners of new and existing buildings cannot apply to HREOC for a temporary exemption from the premises standards.

Building owners and developers have some discretion in how they fulfil the requirements of the access to premises standards. They can comply with the deemed to satisfy provisions (the detailed prescriptive technical requirements set out in the standards) or they may use an alternative solution.

An administrative protocol has also been developed to assist building control authorities (the bodies responsible for building approvals in each jurisdiction) implement the requirements of the BCA. It establishes a process for determining access requirements in the following cases where discretion is required:

- when the owner or manager of a new or existing building proposes using an alternative solution
- when the owner or manager of an existing building requests an exception from a requirement of the BCA due to unjustifiable hardship
- when the owner or manager of an existing building requests an exception from a BCA requirement and proposes a building upgrade plan (which sets out plans for upgrading the accessibility of an existing building over time).

The protocol requires that each State and Territory establish access panels to make decisions on access-related issues that are referred by a building control authority. Adoption of the protocol is not compulsory and States and Territories may use the protocol or develop their own mechanisms for determining access-related issues.

Under article 10 of the protocol, people with disabilities retain the right to lodge a complaint of discrimination with HREOC and the courts if they believe that access to premises has been or will be compromised by the decision of an access panel.

Although welcomed by many, the disability standards on premises will have limitations. First, the BCA addresses only access to new buildings or existing buildings undergoing major renovations. It does not address existing buildings not undergoing major renovations, space around buildings or internal fit-out. It also does not apply to public picnic areas, street furniture on the pavement, etc. These aspects of access to premises will continue to be subject to the provisions of the DDA. Second, the disability standards will not include accessible emergency egress and way finding within buildings. These areas are the subject of further research (Australian Building Codes Board, sub. 153).

A third issue, raised by some States and Territories, was the concern that the disability standards could set a lower standard than State and Territory access requirements (see chapter 14).

Fourth, even though the BCA contains access provisions for some types of private housing, (for example, the entrance and common areas of multi-unit developments must be accessible) the disability standards will not apply to private housing. A number of inquiry participants (Marrickville Council, sub. 157; Physical Disability Council of NSW, sub. 78; Leichhardt Council Disability Access Committee, sub. 75; Independent Living Centre NSW, sub. 92) criticised the draft premises standards on this basis.

Inquiry participants were also concerned about the administrative protocol, particularly that it could be a time-consuming process which causes substantial delays in building approvals (Marrickville Council, trans., p. 2410; Property

Council of Australia, trans., p. 3005) and that decisions by access panels provided little certainty for building owners and managers because they were subject to complaints (Property Council of Australia, trans., p. 2994).

Benefits of the disability standards on access to premises

The draft premises standards are largely aimed at improving access for people with mobility disabilities, although some provisions will also improve access for people with vision and hearing impairments. The RIS for the disability standards identifies a number of benefits of increasing the accessibility of buildings, including increased access to employment, higher income levels and increased access to leisure and social activities for people with disabilities.

It was not possible to quantify all the benefits associated with improving accessibility. Estimates for increased income and reduced costs of living were presented in the RIS. A number of other benefits, such as lower transactions costs of ensuring and enforcing compliance with the DDA, and increased certainty and consistency for building owners and managers, people with disabilities and other stakeholders (such as the elderly and parents with prams), were not quantified.

Increased income

Estimates of the increase in income associated with greater employment of people with disabilities were based on the methodology used by Frisch (1998a) who estimated the effect of the increased participation of wheelchair users in the workforce. He assumed that improving the accessibility to buildings would raise the number of wheelchair users participating in the workforce by 12 000 (double the current number). This in turn, would allegedly increase income levels by $300 million each year (assuming each had an average productivity level of $25 000) (Frisch 1998a).

There is little empirical evidence to suggest that improving the accessibility of buildings leads to better employment opportunities for people with disabilities. Studies in the United States found that improving accessibility had no effect on the participation of people with disabilities in the workforce (ABCB 2004). The base case scenario presented in the RIS assumed an increase of 50 per cent over the current participation rate (that is, half that assumed by Frisch), which implied benefits to the economy of $150 million per annum (table C.1). The Frisch estimate of a 100 per cent increase in participation was used as an upper bound scenario, while the lower bound scenario of no increase in income was based on the US experience (table C.1).

Reduced costs of living

Frisch (1998a) also suggested improving accessibility could lead to lower living costs. He used a 'willingness to pay' approach to valuing the benefits of reducing the living costs of people with disabilities that assumes that people could 'insure' against the hardships of an inaccessible environment. The amount a risk neutral individual would be willing to pay is given by the formula:

Willingness to pay = probability of loss x value of the loss.

Frisch's original analysis used the proportion of the population currently using wheelchairs (0.5 per cent) as the probability of an individual requiring an accessible environment at some stage of their lives. Frisch (1998a) assumed the loss caused by an inaccessible environment was 20 per cent of income.

Using these assumptions, Frisch estimated that the average person should be willing to pay 0.1 per cent of their income each year to ensure that their environment (including buildings) was accessible. Assuming a population of 17 million and average income of $30 000, the aggregate willingness to pay for an accessible environment was $510 million each year (table C.1).

Table C.1 **Summary of quantified benefits and costs[a]**

	Base case	*Upper bound*	*Lower bound*
	$m	$m	$m
Benefits			
Increased income	150	300	0
Reduced costs of living	969	1 163	510
Total	**1 119**	**1 463**	**510**
Costs			
New buildings	694	694	376
Renovations	800	955	800
Lost lettable space (renovations)	312	312	312
Total	**1 806**	**1 961**	**1 488**

a Annual values.

Source: ABCB 2004.

Frisch's estimate was used as the lower bound scenario for assessing the benefits of the draft premises standards in the RIS because:

- the probability of needing an accessible environment used (the proportion of the population in wheelchairs) was considered conservative—it does not account for people with ambulant disabilities or hearing or vision impairments

- it ignores any amounts people might be prepared to pay for altruistic reasons—to prevent friends, family and others experiencing an inaccessible environment.

The base case scenario presented made two changes to the method used by Frisch:

- the incremental cost of inaccessible buildings was assumed to be 10 per cent of income, not the 20 per cent used by Frisch
- the probability of needing an accessible environment was taken to be the 4 per cent of persons who cannot use public transport as a result of their disability. However, wheelchair users were assumed to obtain substantially larger benefits than other groups from the implementation of the standards (ABCB 2004).

Based on these assumptions, the total benefits in the base case were assumed to be $969 million each year—each wheelchair user would obtain cost reductions of 10 per cent of assumed income, or $3000 per annum, while the remaining affected group would obtain cost reductions of 4 per cent of assumed income, or $1200 per annum (ABCB 2004).

An upper bound, which accounts for the general risk averse nature of people and any additional amounts people might pay for altruistic reasons, was estimated to be $1163 million each year (ABCB 2004).

Costs of the disability standards on access to premises

Conceptually, the standards can be regarded as imposing no additional costs—they merely make the existing legislative requirements in the DDA transparent (that is, the costs are attributable to the DDA, not the standards). However, in practice, it is expected that adopting the standards will substantially increase the costs of builders. According to the analysis contained in the RIS, few building owners and developers comply with the DDA.

Case studies were conducted for the RIS to assess how the draft premises standards would affect the costs of different types of buildings (table C.2). The analysis shows that the proposed standards will have the biggest relative effect on small buildings, especially two storey offices and restaurants. For example, the cost of constructing new two storey office blocks is estimated to rise by almost 63 per cent. Similarly, the cost of upgrading a two storey office block is expected to rise by 60 per cent. Driving these costs is the requirement to install lifts in buildings with more than one storey. By contrast, the draft standards are expected to have little relative effect on

the costs of large buildings, such as large horizontal spread shopping centres, hotels with three or more storeys, and medium to large theatres and stadiums.[1]

Table C.2 **Incremental costs of applying draft premises standards**

	Generic building cost	*Regulation costs*	*Proportional increase*
	$'000	$'000	%
New buildings			
Single storey holiday accommodation	150	9.4	6.3
7 storey accommodation with lift	13 200	121.1	0.9
2 storey office	300	188.8	62.9
Large horizontal spread shopping centre	85 000	118	0.1
2 storey restaurant	500	207.5	41.5
2 storey school building	3 200	218.4	6.8
10 000–15 00 seat stadium	150 000	499.3	0.3
Full upgrade on existing buildings			
Single storey holiday accommodation	40	19.3	48.2
2 storey B&B	70	59.8	85.4
3+ storey 350 room hotel with lifts	9 000	193.5	2.1
2 storey office	100	60.3	60.3
Single storey shop	30	17.2	57.3
500 seat theatre	2 000	16.7	0.8
10m lap pool	50	15	30.0
Partial upgrade on existing buildings			
3 storey accommodation with no lift (common areas)	360	23.7	6.6
2 storey office	40	56.2	140.6
Large horizontal spread shopping centre	8 000	29.5	0.7

Source: ABCB 2004.

Aggregate costs presented in the RIS were estimated by combining the cost estimates from the case studies with data on the number and type of building approvals in a year. These cost estimates are especially sensitive to assumptions made about lifts installed in two storey offices and restaurants. The base case costs for new buildings ($694 million) assume that all two storey offices and restaurants will have to include a lift because as new buildings, the unjustifiable hardship defence is not available. The lower bound case ($376 million) assumes that stair lifts can be installed in some buildings. The base case for existing buildings ($800 million) assumes that some will successfully argue installing a lift will impose

[1] The Property Council of Australia criticised the cost estimates contained in the RIS for underestimating the costs associated with making new and existing buildings accessible (trans., p. 3006 and p. 3013).

unjustifiable hardship. The upper bound case ($955 million) assumes that all existing two storey buildings are required to install lifts.

The RIS also included the loss in lettable space for existing buildings, estimated at $312 million each year.[2] The figure is based on a professional quantity surveyor's judgement that around 4 per cent of lettable space in existing buildings will be lost to accommodate changes such as wider corridors, larger numbers of accessible toilets, etc., and ABS estimates of the value of renovations and alterations to existing buildings ($7.8 billion in 2002).

Based on these estimates, the overall costs of complying with the draft premises standards will vary between $1488 million and $1961 million each year, with $1806 million taken as the base case.

The analysis contained in the RIS suggests the compliance cost effect is likely to fall disproportionately on the small business sector which might be expected to be the predominant users or owners of smaller buildings. The high costs associated with two storey buildings may lead to reductions in the amount of building activity for these types of buildings. This could result in construction of more suburban/office 'mall' complexes at the expense of traditional strip shopping/commercial centres. This could have perverse access effects because such malls tend to be less accessible from a public transport perspective (ABCB 2004).

At a broader level, the overall level of building activity is expected to fall, in turn negatively affecting employment in the wider economy. When the price of an input (in this case the building) rises, demand for complementary inputs (such as labour) falls. Further, an increase in the cost of buildings reduces real income overall, thus lowering demand in general (ABCB 2004).

Effects of the DDA on access to premises

It is difficult to measure objectively how easily people with disabilities move around in the built environment and what effect, if any, the DDA has had on improving accessibility because there is little quantitative information available:

> HREOC is not aware at this point of any statistical information on the proportion of Australia's built environment accessible to people with disabilities as at 1993, 2003 or intervening points. (HREOC, sub. 143, p. 69)

Policy makers in this area largely rely on anecdotal evidence which, although subjective, indicates the nature and extent of difficulties faced by people with

[2] The costs of additional space requirements for new buildings were included in the aggregate estimates of the costs to new buildings.

disabilities. This evidence can also be useful for assessing the extent of changes over time, although it must be interpreted carefully (box C.2).

Box C.2 The difficulties with available data

It is difficult to measure the extent to which people with disabilities can access premises and public transport, and to determine whether there has been any improvement in access since the introduction of the DDA. The evidence presented must be interpreted carefully for a number of reasons.

First, in most cases, the data measure the use of premises and public transport, not the level of access. It is tempting to conclude that a low level of use by people with disabilities means that physical access is restricted. However, there may be other reasons for people with disabilities not using premises and transport—for example, some people with multiple or severe disabilities cannot use even 'accessible' public transport or premises. Other reasons include:

- differences in preferences between people with and without disabilities
- lower incomes (which might restrict the opportunities for people with disabilities to participate fully in the provision and consumption of goods and services, and reduce their use of premises and transport)
- the lack of public transport services in some areas
- the inaccessibility of goods and services. People with a hearing impairment, for example, might not attend a cinema that is physically accessible because the films do not have captioning.

Second, it is difficult to attribute any improvements in physical accessibility to the DDA. The owners and operators of premises and public transport services might have improved accessibility for other reasons, such as:

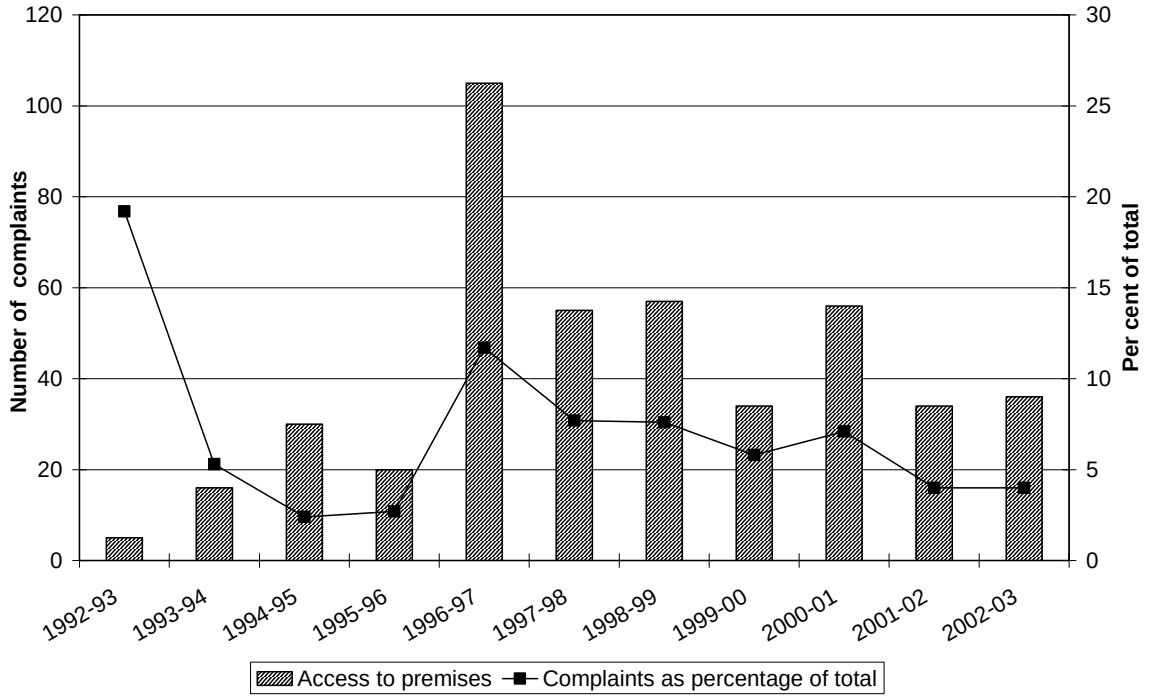
- increased demand by people with disabilities, driven by factors such as the ageing of the population
- international trends that affect the supply of equipment—for example, the availability of physically accessible trains from overseas, which may lower costs.

Third, the DDA does not operate in isolation. State and Territory governments also have anti-discrimination laws that aim to reduce discrimination on the ground of disability. Improvements in physical accessibility might also be attributed to these laws.

Data on complaints show that HREOC received 36 complaints about access to premises in 2002-03 (4 per cent of total complaints). The number of complaints received and the share of total complaints varied between 1992-93 and 2002-03, although the data suggest a decline from 1996-97 (figure C.1). However, this 'improvement' is not conclusive. Only small numbers of complaints are made each year, and they might not reflect the experiences of people who do not formally

complain. Other factors, such as access to the complaints system, might also affect the number of complaints (see chapters 5 and 13).

Figure C.1 **Complaints made under the DDA about access to premises, 1992-93 to 2002-03**



Data source: HREOC annual reports 1992-03 to 2002-03.

Given the problems with data, this section relies on evidence from inquiry participants. Most inquiry participants acknowledged an improvement in the accessibility of premises, which they attribute to the DDA. However, there are contrasting views on the extent of the improvements (box C.3). Some participants regarded the improvements to be substantial, while others argued that some improvement had been made, but that much more change was needed.

Box C.3 **Inquiry participants' views on accessibility of premises**

Some inquiry participants regarded the improvements to be substantial:

> It is undeniable that the DDA has improved access to public premises. (Leichhardt Council Disability Access Committee, sub. 75, p. 5)
>
> The DDA has been the impetus for the introduction of changes which have dramatically improved access to the physical environment for people with disabilities. Though improvements in accessibility have been predominantly to access for people with physical disabilities, we have been able to use the DDA to support our advocacy for measures to create an accessible physical environment for blind people including the provision of tactile ground surface indicators, audible announcements on public transport and braille and tactile signage. (Blind Citizens Australia, sub. 72, p. 22)
>
> … access to premises was one of the major barriers to participation. With the adoption of the DDA and further refinement of Australian Standards codes, the building industry and architects have become much more aware of planning and building to eliminate barriers. … We are spoiled for choice when we go to town today for which toilet to use. That change is tremendous. (Becky Llewellyn, sub. 9, pp. 3–4)

On the other hand, other inquiry participants argued that much more was needed:

> Whilst the accessibility to public places has improved there still remains some difficulties. The current provision of access to premises is focused on the provision of the minimum standards. In some areas this does not allow for independently functional access for people with disabilities. (Northern Territory Disability Advisory Board, sub. 121, p. 5)
>
> The DDA has improved access to public premises to some extent, but not as much as we would have expected in the 10 years of its life span. (Robin and Sheila King, sub. 56, p. 11)
>
> The Building Code of Australia, and the relevant Australian Standards that it calls up, are insufficient in themselves to provide compliance with the DDA. … The Act has served the community well in drawing attention to the issues, but more needs to be done to ensure compliance. (Independent Living Centre New South Wales, sub. 92, pp. 5–6)

C.3 Access to public transport

The Disability Standards for Accessible Public Transport (the transport disability standards) and the accompanying guidelines (which assist users to interpret the standards) commenced on 23 October 2002. They superseded the advisory note which had been used to inform and educate people about their rights and responsibilities under the DDA.

Together, the disability standards and guidelines establish minimum accessibility requirements that must be met by providers and operators of public transport conveyances, infrastructure and premises. Some forms of public transport, such as dedicated school buses, are exempt from the standards. Accessibility issues covered by the transport disability standards include access paths, manoeuvring areas, ramps

and boarding devices, allocated spaces, handrails, doorways, controls, symbols and signs, fare payment and information provision.

The transport disability standards include a timetable for compliance, with target dates set at 5, 10, 15 and 20 years from the date the standards commenced. However, there is some flexibility for meeting these targets. The standards allow operators to claim unjustifiable hardship and contain criteria for assessing the validity of unjustifiable hardship claims. HREOC argued:

> … no reference to unjustifiable hardship would have been required in the accessible public transport standards … if the timetable adopted for all operators had reflected the longest replacement schedule for any small rural operator in Australia. HREOC and other parties to the negotiation however did not consider this approach more conducive to the achievement of the objects of the DDA than adopting a timetable which it was recognised most, but not all, operators could meet, with provision for an unjustifiable hardship defence to deal with exceptional cases. (sub. 219, p. 27)

Further, when the transport disability standards were introduced, the DDA was amended to give HREOC the power to grant temporary exemptions to the transport standards. These exemptions were introduced to provide flexibility for transport operators, some of whom might experience hardship in meeting the deadlines specified by the standards. It was hoped that allowing exemptions would reduce the likelihood of operators making no changes in the hope that they would be able to successfully argue unjustifiable hardship if a complaint was lodged against them.

Exemptions are granted only following public consultation and are generally subject to conditions and reporting requirements. The companies operating trams in Melbourne, for example, were granted a five-year exemption on the condition that they commenced the introduction of low-floor accessible trams (HREOC 2003g).

The only formal means of ensuring compliance with the transport disability standard is through a complaint to HREOC. The Accessible Public Transport National Advisory Committee was given the task of developing a reporting framework by which compliance by State and Territory transport agencies will be monitored. However, it is not clear when the framework will be finalised and data available for the public. There are no penalties for not achieving the milestones set out in the standards, but non-compliance could be expected to be considered in any subsequent complaint.

Inquiry participants criticised the transport disability standards on a number of grounds. First, the standards give transport operators and providers up to 30 years to comply, which some participants argued disadvantaged people with disabilities. Action for Community Living submitted:

> The timeline to make all public transport accessible is very lenient on service providers and very disappointing to people with disabilities. (sub. DR330, p. 2)

Blind Citizens Australia expressed similar views:

> In relation to transport standards, the timeframe for implementation effectively precludes people with disabilities from lodging complaints regarding access barriers which could be remedied quickly and economically. (sub. DR269, p. 30)

Second, some participants argued that the standards do not provide certainty for transport operators or people with disabilities. For example, the Victorian Government (sub. DR367, p. 22) stated that there 'is no hierarchy of compliance with the standards, establishing priorities'. That is, the standards provide no guidance on which features of the public transport system should be upgraded first (trains versus trams, for example). However, it could be argued that the standards provide transport operators with the flexibility to establish their own priorities.

Blind Citizens Australia was critical of equivalent access options, which it argued created uncertainty:

> The standards also do not preclude a service provider coming up with an alternative solution for access which may not be appropriate. Whether this alternative solution complies with the standards will be an issue in dispute. Only after this issue is satisfied can the issue of whether the alternative solution is discriminatory be addressed. (sub. DR269, p. 30)

Third, the transport disability standards do not cover all forms of public transport. Inquiry participants, such as the South Australian Government (sub. DR356) and Tasmanians with Disabilities (trans., p. 2177), were concerned that the standards do not apply to small aircraft (those with 30 seats or less) which limits people with disabilities' access to areas within those states. Further, operators of small aircraft (such as Kendell Airlines and AirNorth) applied and received temporary exemptions from the general provisions of the DDA (specifically sections 23 and 24). However, both exemptions were granted for limited periods—five years (the longest period for which an exemption can be granted) and two years respectively—with conditions that both airlines report to HREOC on ways to overcome barriers to carrying people with disabilities.

Benefits of disability standards on accessible public transport

The direct benefit of accessible public transport is the additional revenue generated by increased use of public transport by people with disabilities and other members of the community (such as parents with children in prams). These revenues,

estimated at $456 million for buses and $135 million for trains over 20 years, were included in the analysis of costs described below (table C.3).

The RIS identified some indirect benefits including the reduced costs of providing home services to people with disabilities (such as home visits by social workers, doctors, meal delivery services etc) and the increased employment of people with disabilities. As discussed above, it is difficult to attribute these indirect changes, especially increases in employment, to changes in the physical environment (in this case the accessibility of public transport) and even more difficult to quantify them. The estimates for Australia presented in the RIS were obtained by adjusting data from the United Kingdom for relative populations and exchange rates. These cross sector benefits were estimated to range between $1353 million and $5267 million over 20 years, with a base scenario of $2655 million (table C.3).

Costs of disability standards for accessible public transport

Estimates of the costs of modifying Australia's public transport network were based on information provided by States and Territories, which are the owner/operators of public transport services in most jurisdictions. This information was incorporated into the RIS that was released for comment at the same time as the draft standards. The estimates were criticised by some parties for over-estimating the cost of implementing the standards, while in other instances for under-estimating the costs. The disability community was disappointed that it was not possible to evaluate independently the information provided. It was also critical of the variation in cost estimates across jurisdictions:

> Some suggested that, as well as reflecting the different physical, economic and regulatory environments of transport operation, the discrepancies reflected different political, ideological and cultural environments in the various States and Territories. (Attorney-General's Department 1999, p. 18)

The data provided by States and Territories were used in the analysis in the RIS despite these concerns, because is was not feasible at the time to obtain the data from other sources. Estimates showed that the net incremental cost (calculated as the incremental capital and recurrent costs less incremental revenue) of making Australia's public transport network accessible for people with disabilities was around $3745 million over 20 years (in 1998 prices) (table C.3). This comprises costs such as purchasing extra buses ($693.4 million), modifying rail and bus infrastructure ($767 million and $628 million respectively), and retro-fitting trains and trams ($88 million and $68 million respectively) (Attorney-General's Department 1999).

Table C.3 **Summary of quantified benefits and costs**

	Annual amounts
	$m
Benefits	
Base case	2655
Upper bound	5267
Lower bound	1353
Costs	
Buses	2738
Ferries	57
Taxis	129
Trains	739
Trams	82
Total	**3745**

Source: Attorney-General's Department 1999.

The net effect of implementing the transport standards thus ranges from a net cost of $2391 million to a net benefit of $1523 over 20 years (Attorney-General's Department 1999). However, as noted in chapter 6 cross sector benefits do not necessarily represent net benefits to society but are merely transfers from one group or part of government to another.

Effects of the DDA on access to public transport

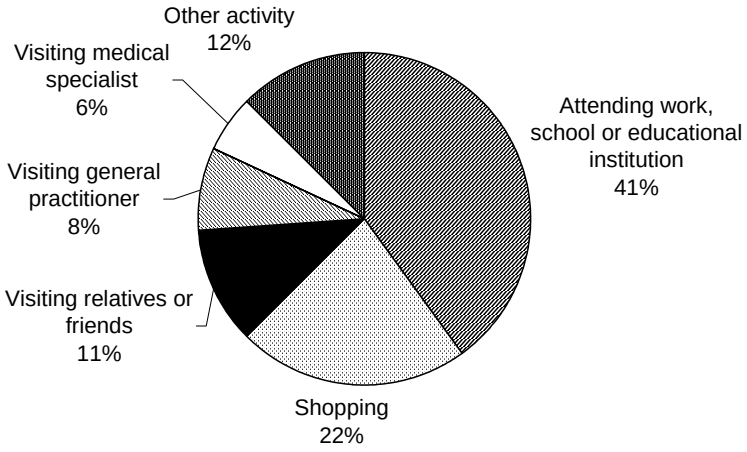
Approximately 1.6 million people with a disability used public transport in 1998. This is less than half (46.7 per cent) of all people with a disability (ABS 1999b). Data seem to suggest that this low use is not necessarily because of lack of access.

Almost three million people with disabilities (87.3 per cent) can use at least some form of public transport, although some may have a degree of difficulty in doing so. Over two million people with disabilities (65.6 per cent) can use all forms of public transport with no difficulty and a further 80 500 people with disabilities (2.4 per cent) can use some forms of public transport without any difficulty. In total, almost 2.3 million people with disabilities (68 per cent) have no difficulty using at least some forms of public transport (table C.4). Only 12 per cent of people with disabilities (or 396 700) cannot use any form of public transport, while a further 1 per cent (31 300) do not leave home.

The main purpose for public transport use by people with disabilities in 1998 was to attend work, school or an educational institution (reported by 40 per cent of people

with disabilities as their most recent journey) (ABS 1999b). Other reasons included shopping, visiting relatives and friends, and visiting the doctor (figure C.2).

Figure C.2 **Main purpose for public transport use by people with disabilities, 1998[a]**



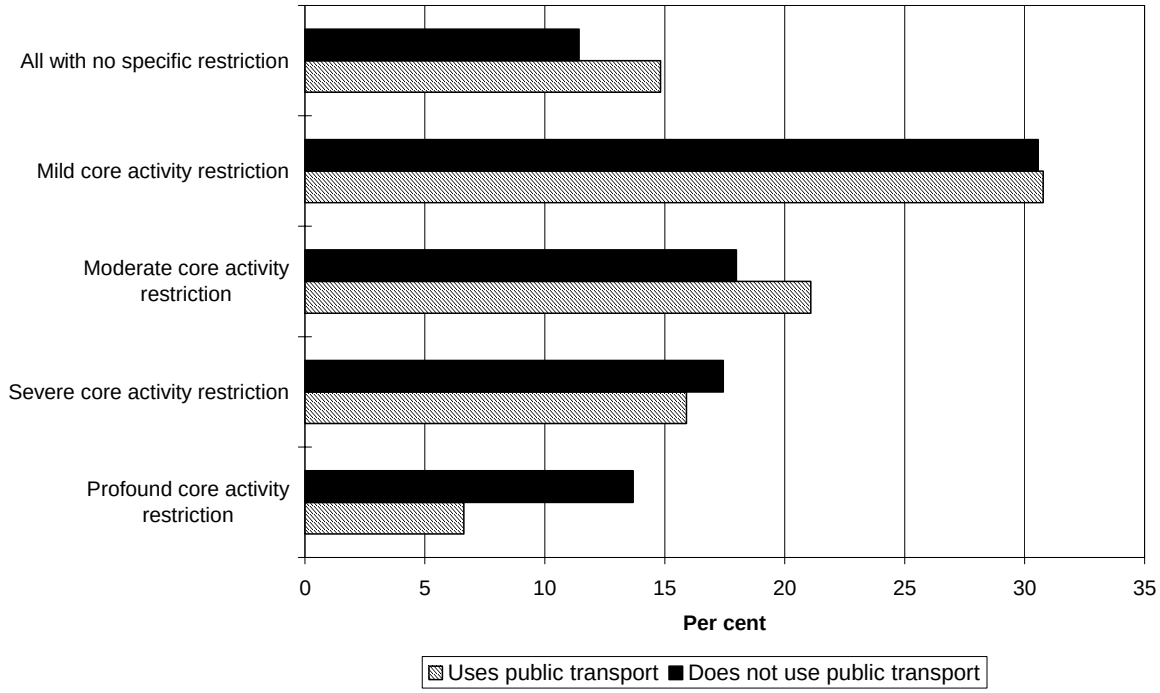
a People aged 5 years and over, living in households.

Data source: ABS 1999b, cat. no. 4430.0.

Public transport is most accessible for those people with a disability who have a mild core activity restriction or no specific restriction.[3] Over half of people with a disability who use public transport fall into these categories. By contrast, only 7 per cent of people with a disability who use public transport have a profound core activity restriction (figure C.3).

[3] Core activities comprise communication, mobility and self-care.

Figure C.3 **People with a disability who use and do not use public transport, by disability status, 1998[a,b]**



a Persons aged 5 years and over, living in households only. **b** Core activities comprise communication, mobility and self care.

Data source: ABS 1999b, cat. no. 4430.0.

As would be expected, people with a profound core activity restriction comprise a larger proportion of those people with disabilities who do not use public transport. However, the shares of all other groups (no restriction, mild, moderate, and severe restriction) do not differ markedly between those who do use public transport and those who do not use public transport.

Getting 'to and onto' stops and stations, and getting 'into and out of' vehicles and carriages because of steps caused most concern for those people with disabilities using public transport (as reported by 443 100 people, or 13.1 per cent). Getting 'to and onto' stops and stations was the second largest cause of difficulties (reported by 297 700 people, or 8.8 per cent) (table C.4).

Table C.4 **Difficulties experienced by people with disabilities who use public transport, 1998[a]**

	Persons	*Proportion of total*
	'000	Per cent
Has difficulty using public transport		
Getting to/on to stops/stations	297.7	8.8
Getting into/out of vehicles/carriages, due to:		
Steps	443.1	13.1
Doors	101.4	3.0
Other reasons	82.4	2.4
Inadequate access to toilets	26.0	0.8
Crowds/lack of space	64.9	1.9
Poor ventilation	16.3	0.5
Lack of seating/difficulty standing	144.8	4.3
Pain/discomfort when sitting exacerbates condition	166.7	4.9
Cognitive difficulties	64.4	1.9
Behavioural difficulties	43.8	1.3
Fear/anxiety	112.1	3.3
Sight problems	49.2	1.5
Other	249.6	7.4
All who have difficulty using public transport[b]	*1050.7*	*31.1*
Has no difficulty using public transport	2296.5	68.0
Does not leave home	31.3	0.9
Total	**3378.5**	**100.0**

a People aged 5 years and over, living in households. **b** Total may be less than the sum of the components as persons may have more than one difficulty.

Source: ABS 1999b, cat. no. 4430.0.

Some more recent information is available from the General Social Survey (GSS) conducted by the ABS. Although these data are not comparable with that from the Survey of Disability, Ageing and Carers, they also indicate that the proportion of people with disabilities encountering problems with transport generally is not large, but that it is much greater than it is for people who have no disability or long term health condition. For example, the GSS showed that in 2002 10 per cent of people aged between 18 and 64 years of age who have a core activity limitation reported that they cannot or often have difficulty getting to the places needed (table C.5). Similarly, 17.7 per cent of people 65 years of age or more who had a core activity limitation experienced difficulties getting to the places they needed.

Table C.5 **Access to transport by disability status, 2002**

	Persons with a disability			*Persons with no disability*	
	Core activity limitation	*Schooling/ employment restriction*[a]	*No specific limitation or restriction*	*or long-term health condition*	*All persons*
	%	%	%	%	%
Persons aged 18 to 64 years					
Can easily get to the places needed	71.7	76.2	87.6	87.6	85.4
Cannot, or often has difficulty getting to the places needed	10.0	5.4	2.6	2.1	3.2
Persons aged 65 years and over					
Can easily get to the places needed	59.0	..	84.4	88.9	78.5
Cannot, or often has difficulty getting to the places needed	17.7	..	3.9	2.8	7.5

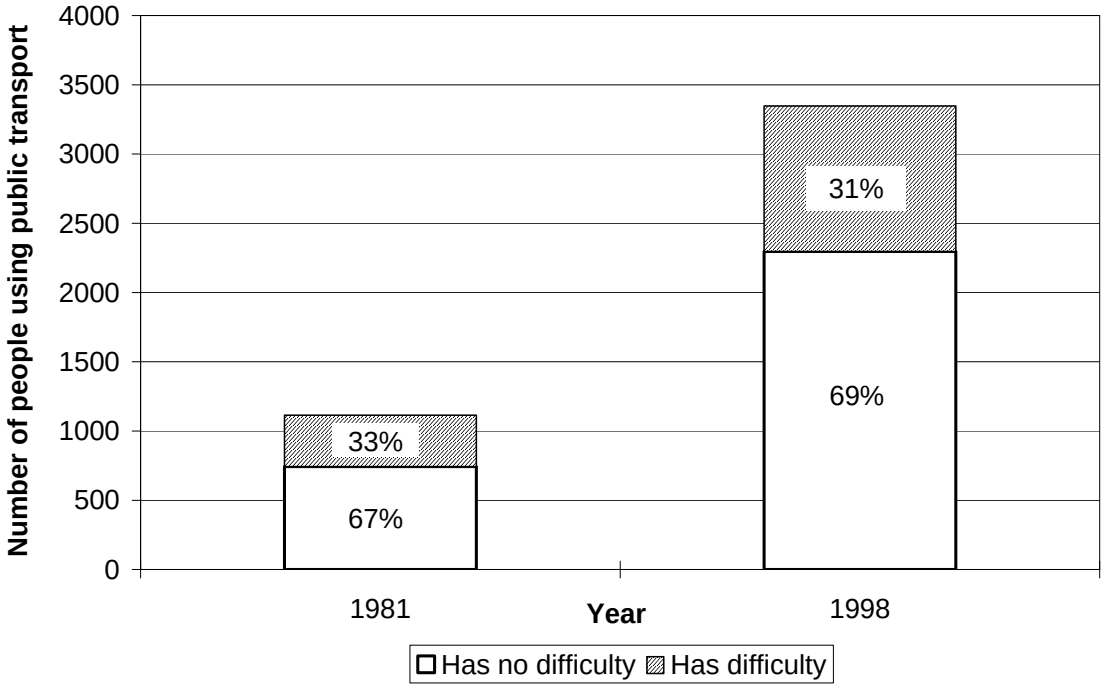
[a] Employment restrictions relate to persons aged 18–64 years only, and schooling restrictions relate to persons aged 18–20 years only. .. Not applicable.

Source: ABS 2003.

Changes since the Disability Discrimination Act

ABS data show an increase in the number of people with disabilities using public transport between 1981 and 1998—1.1 million in 1981 compared with 3.3 million in 1998 (figure C.4). Over three quarters of people with disabilities (78.4 per cent) did not use public transport in 1981. By 1998, this proportion had fallen to 53.3 per cent. The proportion of people with disabilities reporting difficulties using public transport has changed little over the period (33.3 per cent in 1981, 31.1 per cent in 1998). However, this might reflect that the implementation of accessible transport has mostly occurred since 1998.

Figure C.4 **People with disabilities who experience difficulties using public transport,[a] 1981 and 1998**



a People aged 5 years and over, living in households only.

Data sources: ABS 1981, cat. no. 4343.0; 1999b, cat. no. 4430.0.

Inquiry participants had mixed views on progress in achieving accessible public transport. Some argued that there have been marked improvements, largely driven by the DDA. Others acknowledged improvements in public transport accessibility, but noted that improvements are limited to particular areas, or have been made at the expense of reductions in other areas. Other inquiry participants argued that there have been few improvements in the accessibility of public transport (box C.4).

With accessible public transport being phased in over a long period of time, it is not surprising that the views of participants vary so widely. Some sections or regions are bound to get ahead of others, particularly where transport providers are focussing their efforts on particular routes over others. HREOC (sub. 143, p. 64) has provided a summary of improvements in public transport accessibility, stating that:

- Almost 25 per cent of publicly operated and 20 per cent of privately operated metropolitan buses are accessible. Around 6 per cent of non-metropolitan buses are accessible, although this is improving.
- Nationally, 7 per cent of metropolitan taxis and 9 per cent of non-metropolitan taxis are accessible (box C.5).

- Almost 100 per cent of metropolitan rail carriages provide some access even if not in full compliance with the standards. The figure for non-metropolitan rail carriages is lower but still exceeds the five year, 25 per cent target.
- Rail station access appears to have exceeded 25 per cent for physical access in all jurisdictions either for independent or assisted access.
- All seven trams in Sydney and 95 trams in Melbourne (or 20 per cent) are accessible.

Box C.4 **Inquiry participants' views on public transport accessibility**

Some inquiry participants considered the DDA has promoted improvements:

> The Act has certainly been very useful in achieving systemic change for people with disability in particular areas of everyday living, including public transport …(National Ethnic Disability Alliance, trans., p. 1430)
>
> … access on public transport has improved. Maybe that's because of legislation within the State area, as well as the federal, because that has improved dramatically. (Dennis Denning, trans., p. 134)

Other inquiry participants noted both gains and losses:

> Blind people have noticed improvements in some aspects of access to public transport since the enactment of the DDA … However, transport is an area in which gains in some areas have been offset by losses in others. For blind people, there have been gains in the areas of access to timetable information and ticketing and audible announcements on trains. However, other trends in transport services are making public transport less safe and thus less accessible for blind people. For example, transport operators are reducing staff at railway and bus stations without providing other means to assist blind travellers. (Blind Citizens Australia, sub. 72, p. 22)
>
> The majority of the attention has been on rolling stock and access issues related to boarding the conveyances. … no formal arrangement has been proposed to inform cooperation between the range of players that collectively control and maintain the assets that support transport stock. This includes footpath and road maintenance and improvements along with other pedestrian and traffic facility management. (Marrickville Council, sub. 157, p. 11)
>
> Public transport is significantly more accessible than it was before the question of access was first raised under the Disability Discrimination Act. That said, people with disabilities argue that it is still inadequate. Improvement in access has mainly occurred in cities and is not yet anywhere near achieving 'ordinary' access. (Department of Family and Community Services, sub. DR362, p. 15)

Some inquiry participants failed to recognise any improvement:

> … things have not changed a lot for us in the last 10 years in public transport. (Barb Edis, trans., p. 1838)
>
> In Tasmania, regional and rural areas receive greatly reduced transport services… Accessible transport in many of these areas is non-existent. … The provision of accessible bus services is thought to be decades away due to the ability to claim 'unjustifiable hardship' on the grounds of economic viability. (Advocacy Tasmania, sub. 130, p. 4)

Box C.5 **Wheelchair accessible taxis**

HREOC conducted an inquiry on wheelchair accessible taxis (WAT) after complaints from people with disabilities. The final report encouraged:

- regulators in all jurisdictions to monitor performance more stringently
- education authorities and transport regulators to find alternative (and perhaps more appropriate) means of transport for children with disabilities
- transport regulators to examine cost offsets for 'universal taxi' designs
- industry and government to promote the mainstream use of accessible taxis.

According to the Australian Taxi Industry Association, the data from HREOC understate the accessibility of taxis. It estimated that 8.1 per cent of all taxis were wheelchair accessible, based on data from six jurisdictions. Further, the proportions of WAT are generally higher in regional areas than metropolitan areas where these data are available (table).

Wheelchair accessible taxis as a share of total taxis (per cent)

	NSW	*Vic*	*Qld*	*WA*	*SA*	*ACT*
Metropolitan	5.9	6.1	11.5	8.0	7.8	10.8
Regional	14.5	12.9	13.0	7.0	na	..

na not available. **..** not applicable

It argued further that despite the increase in WAT, the regulations governing these licences provided few incentives for drivers to operate these services:

> In all States and Territories at virtually anytime there are additional WAT licences available for issue if there were operators who wished to enter this segment of the taxi industry. A critical factor influencing this decision making is the pricing structure for the carriage of wheel chair dependent passengers as determined by the State and Territory regulators. The extra time involved in loading and unloading such passengers is generally not reflected in these fare structures. (Australian Taxi Industry Association, sub. DR311, p. 1)

Some States and Territories are taking steps to improve the performance of their WAT services. For example, a special committee of the NSW Taxi Council, established to improve WAT service in that State, published and distributed the 'Wheelchair Accessible Taxi Radio Procedures Handbook' to all drivers and operators. Each network monitors the behaviour of its drivers. Drivers not accepting radio bookings must prove that they are providing sufficient service to wheelchair passengers. Those not showing proof are issued warnings and penalties if necessary.

Sources: ATIA (pers. comm., 7 April 2004); ATIA (sub. DR311); HREOC 2002e.

HREOC (sub. 143, pp. 64–5) also identified areas for improvement, including:

- local and State government coordination to ensure accessible transport services are matched with accessible local infrastructure (such as bus stops and access paths connecting with rail stations)

- the response times of accessible taxis (see box C.5)'
- access for passengers using wheelchairs to regional and rural air services.

Additional data for some jurisdictions are presented in box C.6.

Box C.6 **Accessible public transport services**

New South Wales

- 26 per cent of the State Transit bus fleet is wheelchair accessible.
- Accessible buses are scheduled on over 110 (38 per cent) of State Transit's routes.
- 65 of 306 CityRail stations (21 per cent) have accessible facilities.
- All suburban train and CountryLink rail carriages are accessible via manual boarding ramps.

Victoria

- More than 500 buses or nearly a third of the total public bus fleet is low-floor.
- Wheelchair ramps will be installed on all regional trains and accessible toilets will be installed on 322 regional trains. Colour-contrasted door handles, doorway edges and hand/grab rails have been introduced.
- Wheelchair ramps and driver assistance are available on all suburban trains and colour-contrasted door handles, doorway edges and hand/grab rails have been introduced. Refurbished carriages also provide improved wheelchair spaces and audio and visual announcements.
- Yarra Trams has 95 air-conditioned low-floor trams in use across Melbourne. Fully accessible tram superstops are also being constructed.

Queensland

- 98 per cent of Citytrain units are accessible with a boarding ramp. 37 per cent also have designated wheelchair spaces in carriages.
- 71 per cent of Citytrain stations offer disability access—42 per cent are fully accessible, with a further 29 per cent accessible with assistance from a carer.

Western Australia

- All suburban train carriages are accessible. 23 suburban stations are fully accessible. Customer service staff are available at any station on request.
- Transperth has over 300 fully accessible buses. Each bus has a low floor, an extendable ramp, a kneeling action to bring the bus closer to the ground, air-conditioning, a driver communication device and space for two wheelchairs.

Source: DOI nd; Queensland Rail 2003; Transperth 2003; Transport NSW 2002.