
AUSTRALASIAN RAILWAY ASSOCIATION APPLICATION

To

The Australian Human Rights Commission

A

Supplementary Submission to public
submissions made regarding the ARA
Temporary Exemptions Application to the
*Disability Standards for Accessible Public
Transport 2002 (Cth)* and the *Disability (Access to
Premises – Buildings) Standards 2010 (Cth)*

INTRODUCTION

The Australasian Railway Association (**ARA**) thanks the Australian Human Rights Commission (**AHRC**) for the opportunity to provide this supplementary submission to support the ARA's application for temporary exemptions pursuant to section 55(1) of the *Disability Discrimination Act 1992 (Cth)* (**DDA**), section 33A.1 of the *Disability Standards for Accessible Public Transport 2002 (Cth)* (**DSAPT**) and section 5.1 of the *Disability (Access to Premises-Buildings) Standards 2010 (Cth)* (**Premises Standards**). Specifically, the following clauses:

1. **Clause 2.1 'Access paths – Unhindered passage' and Clause H2.2(1) of the Premises Standards 'Accessways'**: For a period of 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.
2. **Clause 2.6 'Access paths – conveyances'**: For a period of five years, an access path is only required at a single door of existing rail conveyances.
3. **Clause 6.4 'Slope of external boarding ramps'**: For a period of five years, where the relationship between the platform and rail carriage means that an external board ramp can only be provided at a gradient greater than 1 in 8 and less than 1 in 4, ARA members are not required to provide staff assistance to customers to ascend or descend the ramp.
4. **Clause 8.2 'Boarding – When boarding devices must be provided'**: For a period of five years, a manual or power assisted boarding device is only required at a single door rather than all doors of a rail conveyance.

The ARA understands the AHRC received 12 submissions in response to the ARA application, nine of which were publicly available. The following submission has been prepared in response to the nine publicly available submissions.

There are two parts to this submission:

1. **Response to general comments**: addressing comments and issues that were highlighted in submissions but are not specific to the temporary exemption clauses sought, and
2. **Clause specific responses**: addressing issues or comments that are specific to the temporary exemptions sought.

Response to general comments

As was stated in our application, the Rail Industry takes a holistic approach to accessibility, viewing accessibility as much broader than complying with the DSAPT and Premises Standards. As a result, we acknowledge and understand why issues broader than those specific to the temporary exemptions being sought have been raised in the publicly available submissions. We have taken the opportunity to respond to the general issues raised separate to the clauses we seek temporary exemptions but highlight that these issues do not directly relate to the temporary exemptions currently requested.

Several submissions queried similar issues or initiatives. As a result, a consolidated response to these are provided under the following headings:

- Recommendation to require annual progress reports and temporary exemptions conditions
- Accessibility Action Plans
- Accessibility education of the rail workforce
- Infrastructure and train upgrades

- Consultation with the disability sector
- Previously held exemptions not included in this application
- Heritage considerations

Recommendation to require annual progress reports and temporary exemptions conditions

A number of submissions recommend that the temporary exemptions be granted, with conditions.

The ARA and its members recognise that reporting in relation to compliance with temporary exemptions is an important mechanism and therefore, would accept and comply with reporting requirements linked to temporary exemptions.

The previous temporary exemptions held by the ARA had multiple annual reporting conditions that were met in each of the five years. These were all submitted to the AHRC and loaded to the ARA website by the end of September each year as required. .

All Aboard notes that “only the 2019 reports are available on the ARA website”. In acknowledgement of this, the ARA is pleased to advise that it has updated its website to include all reports over the past five years. ARA member reports relating to all previous exemptions are available on the [ARA website](#).

Noting that the AHRC Guidelines state that the AHRC can liaise with the parties on the terms of any conditions linked to temporary exemptions, the ARA and its members formally advise the AHRC that we would welcome the opportunity to discuss potential conditions linked to the granting of temporary exemptions.

Accessibility Action Plans

Operators and Government Agencies have established Accessibility Action Plans which can be found on the [AHRC website](#). Each jurisdiction’s Accessibility Action Plan may vary, including the review cycle, and layout of the Plan, depending on the relevant state-based legislation. These plans are regularly reviewed and updated and, as per, the Queenslanders with Disability Network’s recommendation, are developed in consultation with Accessibility Reference Groups.

In light of recent policy changes at both the State and Federal level, for example the National Disability Insurance Scheme, refresh of the National Disability Strategy and Modernisation of the DSAPT, as recommended by The Disability Council NSW, ARA members are preparing to review and update their Accessibility Action Plans to align with the modernised DSAPT once complete.

Further information regarding the Accessibility Action Plans of each of the organisation’s involved in this application, was included in Appendix B of the initial ARA application. Please see Appendix A of this submission for a copy of the Accessibility Action Plan information.

Accessibility education of the rail workforce

Several submissions questioned how ARA members educate their workforce. The Rail Industry takes education of its workforce very seriously and actively educates its workforce, from frontline customer facing staff to Executives.

Further information regarding accessibility education of the rail workforce and how this is approached by each of the organisation’s involved in this application, was included in Appendix B of the initial ARA application. Please see Appendix A of this submission for a copy of the accessibility education of the rail workforce information.

Infrastructure and train upgrades

Many submissions queried what upgrades are occurring to improve accessibility on rail infrastructure

and trains. A number of submissions also raised tram and bus accessibility matters but as trams and buses do not form part of this temporary exemptions request, these have not been responded to.

As per the previous sections, Appendix B provided a detailed overview of infrastructure and train upgrades that have been implemented by ARA members (who are part of the temporary exemption request) over the past five years. A summarised version of this information has been included in Appendix A of this submission.

Consultation with the disability sector

Both the Physical Disability Council of NSW and NITAN expressed the view that there was a lack of, or inadequate, consultation around the ARA application.

When the application for temporary exemptions was developed, ARA members reached out to certain disability communities, primarily through their respective Accessibility Reference Groups to provide reasoning for and discuss the requirement of each of the temporary exemptions being sought.

There was no deliberate bypass of public consultation. Rather, noting that the AHRC would lead a public consultation process on the application, it was acknowledged and highlighted that these discussions formed one part of the consultation process and that the AHRC public consultation process would enable a significant opportunity for feedback and insight from the community. The ARA welcomes the ability to participate in the AHRC's public consultation process via this supplementary submission.

ARA members regularly consult with the disability sector on matters separate to this temporary exemption request and greatly value the input received through these processes. Accessibility Reference Groups come from all parts of our network. Groups draw on the expertise and are frequent users of the network with lived experience. of its members, to provide advice into universal design features and useability of conveyances and infrastructure. As a result, their input via consultation is invaluable to public transport operators and government agencies as they strive to continue improving accessibility. ARA members acknowledge that there is always room for improvement when it comes to consultation and ARA members will continue to evolve engagement and consultation practices.

Specific to the Physical Disability Council of NSW query, the purpose of informing the Accessible Transport Advisory Committee (ATAC) of the NSW position in relation to applying for further exemptions was to encourage engagement in the consultation process via submissions to the AHRC.

In addition, the ARA believes it is important to highlight for the Physical Disability Council of NSW and NITAN that in the last 12 months, Transport for NSW has held 5 ATAC meetings and more than 20 supplementary consultations involving community members with lived experience of disability and the ATAC.

ARA members will continue to engage with customer accessibility groups, as well as approach all feedback relating to accessibility as a priority.

Previously held exemptions not included in this application

All Aboard and NITAN have enquired as to whether the ARA's members have achieved full compliance for previous exemptions which do not form part of the current application. It is important to note that the ARA is a representative organisation and that the five temporary exemptions which form the current application were determined following consultation with relevant ARA members. In making the current application, the ARA makes no representation about compliance or otherwise with provisions of the DSAPT and the Premises Standards.

Heritage considerations

As highlighted by the Disability Council NSW there are times where the heritage nature of stations create conflicts with achieving full compliance with DSAPT. This is a particularly complex area that is further complicated by different State legislation conflicting with Federal legislation.

The competing requirements of Heritage, DSAPT and other legislation that rail operators must adhere to such as Rail Safety National Law, all require a careful approach to strike the right balance to achieve the best outcome for all.

The ARA engaged Monash University to review the DSAPT and Premises Standards to constructively contribute to the modernisation of the standards. They too identified that “a number of DSAPT requirements conflict with statutory heritage requirements” and have made some recommendations which the ARA hopes will support the modernisation and improvements in an updated DSAPT and how it addresses state Heritage legislation.

Due to the age of rail infrastructure in Australia, heritage assets are a significant part of networks that require consideration. The ARA and its members acknowledge that can be a point of frustration for passengers and it can be difficult to find the right balance. As a result, ARA members address accessibility matters with heritage considerations on a case-by-case basis to achieve the best accessibility outcome.

Response to general comments specific to the submission of [REDACTED]

We agree with [REDACTED] statement that “a more accessible public transport system benefits everyone”.

We note a number of questions about the public transport network that do not relate directly to the current application. As these issues are separate to this application, PTV (now incorporated into the Department of Transport, Victoria - DOT) would welcome community engagement on these issues. [REDACTED] can contact the PTV Helpline on 1800 800 007, or the DoT Transport Accessibility and Inclusion Team via transport.accessibility@ptv.vic.gov.au.

Response to general comments specific to the submission of The Disability Council NSW

The ARA and its members appreciate the Council’s following statements of support:

The Council supports the commitment of Australian Railway Association (ARA) in its pursuit of improving the Disability Standards for Accessible Public Transport 2002 (Cth) (DSAPT) and seeking a commitment from the Government to have the reform completed by 2023.

The Council notes that operators have either developed or are developing formalised disability accessibility plans to outline the process they will take to improve accessibility, including upgrades to infrastructure and rolling stock to comply with DSAPT and/or provide functional access outcomes.

In response to the recommendation that Accessibility Action plans “be reviewed in line with the DSAPT reform which is expected to be completed 2023”, ARA members are pleased to advise that action plans will be developed in a timely manner that considers the reforms (see detailed response; Accessibility Action Plans above).

In its submission, the Council recommends “the ARA to invest in education workforce to ensure they are skilled in order to remain compliant with the DSAPT”. The ARA is pleased to advise that the Rail Industry invests heavily in ongoing education (see detailed response above; Education of the rail workforce).

Response to general comments specific to the submission of Richard Witbreuk

The ARA and its members recognise that temporary exemptions are not a mechanism to remove the industry's responsibility to provide accessible transport. The ARA and its members have made the exemption application in good faith, seeking exemptions in four areas which is considerably smaller than previous applications. The exemptions, if granted, do not inhibit operators from developing new methods to enhance accessibility outcomes and ensure that the current level of access to services is not diminished.

Where exemptions are in place, operators may provide direct assistance to overcome barriers to accessing transport services. The previously granted exemptions and the granting of further exemptions will not negatively impact the current experience for people with disability or preclude ongoing work to bring transport networks into compliance.

In the years since exemptions were previously granted, ARA members continue to show accessibility improvements and progression towards achieving compliance with the DSAPT and Premises Standards. All ARA members can demonstrate significant increases in the number of accessible stations and rollingstock since 2007, as well as committed ongoing investment (as outlined above; infrastructure and train upgrades).

Richard also states that "the exemptions sought here should not be permissible as many of the issues raised should have been considered in the design process". The rail industry designs, procures and builds new infrastructure and trains to the current DSAPT for new conveyances and infrastructure. However, there are some geographical and operational constraints within networks, particularly legacy networks that restrict the ability for DSAPT compliance to be achieved.

There are geographical constraints in the railway environment such as curved platforms, and narrow gauge. There are other operational constraints such as stations not being staffed at all times, or at all in some locations. The DSAPT modernisation process aims to consider these issues through the National Accessible Transport Taskforce.

Response to general comments specific to the submission of the Physical Disability Council of NSW

The Physical Disability Council of NSW makes three recommendations in its submission, two of which include reporting requirements. Further to our support for reporting requirement as noted above, the ARA holds the position that if the requirements of Recommendation 2 were met, this should provide sufficient evidence of progress and assurance of the willingness of transport operators to work towards compliance with the DSAPT.

The ARA notes the Physical Disability Council of NSW comments around the United Nation's Convention on the Rights of Persons with Disabilities (CPRD). All transport operators are committed to meeting the rights of people with disability. In NSW there is a direct linkage from Australia's Treaty Obligations on the Rights of People with Disability to the National Disability Strategy and the NSW Disability Inclusion Plan.

Response to general comments specific to the submission of the Disability Resources Centre and NITAN

The ARA and its members recognise that temporary exemptions are not a mechanism to remove the industry's responsibility to provide accessible transport.

While all operators acknowledge there is much more work to do to make networks fully compliant with the DSAPT, significant investments have been made to progressively improve accessibility of services and infrastructure to date. In the years since exemptions were previously granted, ARA members continue to show progression towards compliance with the DSAPT and Premises Standards.

The level of investment has significantly escalated nationally since 2012. All ARA members can demonstrate significant increases in the number of accessible stations and rollingstock since 2007, as well as committed ongoing investment (as outlined in section 1 above; Infrastructure and train upgrades).

Response to general comments specific to the submission of Anti-Discrimination NSW

The ARA and its members agree with and acknowledge the Anti-Discrimination NSW's statement that "The approval of temporary exemptions does not shift the transport industry's obligations to provide accessible transport.". All operators continue to progressively upgrade and further improve the services to provide disability access on its network.

Response to general comments specific to the submission of Queenslanders with Disability Network (QDN)

The ARA and its members acknowledge that temporary exemptions are of their nature, not just in name, temporary. The ARA and its members do not view the exemptions as an ability to receive permanent exemptions. If the exemptions are granted, this would permit additional time for the DSAPT modernisation to be complete and for operators in some cases to undertake the process of equivalent access to determine appropriate solutions where compliance cannot be met. In NSW as an example, the current program of infrastructure redevelopment and the provision of new, modern rolling stock are likely to make significant improvements to accessibility within the period of the exemption being sought.

Clause Specific Responses

DSAPT Clause 2.1 'Access paths – Unhindered passage' and Clause H2.2(1) of the Premises Standards 'Accessways'

The use of VeloSTRAIL as a gap filler solution for flange gaps

The Disability Resources Centre and NITAN both note that "STRAIL's modular system has been in use globally since 1976, and VeloSTRAIL has proved effective for speed trains up to 120 km/h".

The ARA acknowledges that products like VeloSTRAIL are utilised as flange gap fillers internationally but, due to operational differences within the Australian environment this product has not yet been found suitable for all scenarios within Australian rail networks. Early trials have indicated that VeloSTRAIL may be successful in some network circumstances but modifications may be required in some situations.

Operators have participated in a national research program regarding gap fillers via the Australian Centre for Rail Innovation and continue to trial gap filler products on their respective networks. Further trials are required to ensure flange gap fillers meet the assurance processes for integration as a standard flange gap filler product for the specific operating environment.

ARA members will continue monitoring the market to trial new products in the quest to address the flange gap at pedestrian level crossings.

Response to the submission of All Aboard

The ARA appreciates the All Aboard position "that the application be granted with conditions" and acknowledges that the All Aboard proposal to work towards maintaining flange gaps to 65mm could be perceived as reasonable, and a number of jurisdictions already use this as a benchmark, but due

to the sheer number of pedestrian level crossings ensuring that all crossings meet this requirement within the proposed 3 year time frame will be unachievable.

Operators continue to work towards removing level crossings but each level crossing removal through grade separation is a major undertaking. Trials of flange gap fillers continue within the Australian environment.

The ARA supports the inclusion of specifications around flange gaps within DSAPT. We recognise that while ultimately the goal would be the removal of pedestrian crossings as part of station access paths, this is not possible across all networks, at every location. A specification relevant to the rail environment will present clarity around safe and comfortable access.

ARA members would agree to All Aboard's recommendation for reporting and could continue to report annually on pedestrian level crossing removals and upgrades to flange gaps.

Response to the submission of the Disability Resources Centre

Noting the Disability Resource Centre's concern that "the continued improvement of the safety of level crossing pathways should not be delayed", the ARA and its members confirm that continued improvement of the safety of level crossings continues to be a priority for rail operators.

The ARA and its members are committed to the removal of pedestrian level crossings and have made significant efforts around this in the last five years. In Victoria, 43 have been removed with a further 32 either in planning or construction. PTAWA has a Crossing the Network committee which has an ongoing program to upgrade and remove pedestrian crossings. PTAWA is in the process of trialling the STRAIL filler product. The crossings are also regularly inspected on a routine basis.

While research into appropriate solutions has been undertaken, including user testing and focus groups with people with disability, an appropriate, wide-spread solution has not been successfully identified within the Australian environment. Trials of different products to address the flange gap at level crossings has continued throughout the ARA and its members holding an exemption. Safety is key focus across the rail industry and the commitment to providing safe and accessible solutions remains.

Response to the submission of the National Inclusive Transport Advocacy Network (NITAN)

The ARA and its members welcome the NITAN position to grant the exemption and appreciates the desire to stipulate deliverables.

Unfortunately, the provisions NITAN proposes "business case modelling within 6 months from date of exemption showing a fully costed and funded plan for EITHER grade separation of pedestrian crossings or suitable gap filled flange gaps to reduce the width of said to the 55mm currently the aim in WA at a maximum" are not practical. The 6-month timeframe is not feasible given the sheer number of pedestrian level crossings and the cost associated with grade separations.

There are approximately 23,500 level crossings around Australia. As outlined in the application, jurisdictions have significant programs around level crossing removals which take many years to scope and fund. All operators are committed to the removal of unsafe level crossings in the rail environment as part of the National Railway Level Crossing Safety Strategy. These works are prioritised according to risk and funds are limited.

Given the variability of the environments that ARA members operate within and the significant programs already established, it is not feasible that each jurisdiction could develop a business case within a 6-month period. Rather, it would take significantly longer than a 6-month period and require extensive development funding to create a business case outlining all available options for the

separation of track and pedestrians and/or the use of an alternative solution such as VeloSTRAIL. See comments above specific to the use of VeloSTRAIL in the Australian environment.

ARA members continue to look into solutions and technologies as they advance but it is important to note that any alternative solutions must be consistent with the safe operation of the railway, and rail operator's obligations under the National Rail Safety Law.

Response to the submission of Anti-Discrimination NSW

The ARA and its members welcome the Anti-Discrimination NSW's position that it "accepts that at present there is no safe product that can reduce or eliminate flange gaps on level crossings" and that it does "not oppose the granting of the exemption provided it is subject to the same conditions in the temporary exemption granted to ARA in 2015." The ARA and its members will commit to meeting the same conditions that were linked to the 2015 temporary exemptions.

DSAPT Clause 2.6 'Access paths – conveyances'

DSAPT Clause 8.2 'Boarding - When boarding devices must be provided'

Please note, due to the similarities between Clause 2.6 and 8.2 and that many comments received were similar or deferred to those made against Clause 2.6, commentary in response to most submissions have been combined below. Where comments specific to Clause 8.2, these are addressed in the dedicated Clause 8.2 section below.

Response to the submission of the Disability Council NSW

The ARA and its members note the Disability Council of NSW's request to "Improve communications to passengers as to the location of the one access path for alighting the train. Some members of the Council have seen confusion among passengers and the platform rail staff, particularly in situations where the passenger is already on board and requires assistance to disembark." The ARA is pleased to advise that Transport for NSW is developing tools such as staff smart phone applications to improve the experience for customers boarding and alighting in wheelchairs.

Response to the submission of the Disability Resources Centre

We acknowledge, as noted in the Disability Resources Centre submission that there are examples, such as the Sydney Metro, that "enable independent boarding at all carriages". However, rail networks in Australia have been operational for up to 165 years and as a result, all rail systems (apart from Sydney Metro) operate a mix of rolling stock (trains) that integrate differently with different platforms. As detailed in our original application, multiple elements impact the integration between a train and a platform, necessitating the provision of a boarding device for some customers to board and/or alight. Including:

- **train platforms:** they can be varied heights and curved (a curved platform can mean staff standing at one end of a platform may not be able to see the other end of a train, potentially limiting staff's ability to see that a customer might require assistance. Platform curves also create horizontal gaps between the train and the platform).
- **Fleet variability:** different fleet types have different carriage sizes and shapes that require the tracks to be set a certain distance away from the platform to allow for all fleet widths and for the movement of a train if it is passing the station and not stopping.
- **how the track is maintained:** this can impact the height that the track sits at, increasing or decreasing the height of the train when it arrives at the platform.
- **wheel wear:** this can reduce the height of wheels, reducing the level that the train sits at when it arrives at the platform.

- **passenger load:** the loading of the train can cause the train to sit 'lower' against a platform when fully loaded during peak periods due to the weight it is moving or sit 'higher' when empty, again changing the level of the train against a platform.
- **integration with the freight network:** passenger and freight trains share the rail network and whilst freight trains do not stop at rural and regional platforms, they travel through stations and along platforms, often at speed. As a result, rural and regional platforms must be constructed to allow freight train wagons to travel safely past. New networks, such as Inland Rail may result in the use of larger freight trains, which may further encroach on platforms, further impacting the ability to raise platforms.

There are many locations on Australian rail networks where passengers are provided with roll-on/roll-off and therefore unassisted access at any door but depending on where they're travelling, they may or may not be able to disembark unassisted (or vice versa). Recognising this, operators work to provide consistency across the network for customers who require direct assistance through nominated primary boarding points.

Operators are progressively upgrading boarding points to ensure people requiring assistance have access to the same amenities. Some states have regulated the doors at boarding points to ensure the space is not contested with bikes.

In NSW, there are accessible boarding zones which offer a consistent experience for customers who require assistance from staff, however a customer can still request to board at any door they wish.

It is also important to note that where another customer may be using an allocated space on-board at one accessible door, customers are able to board an adjacent door that has the same facility. The design of facilities on-board services in NSW allow customers to remain with their travelling companions.

Response to the submission of All Aboard

The ARA and its members welcome All Aboard's recommendation that the "application be granted with conditions" and appreciate the solution-focus via the tabling of two options. However, the proposed conditions are close to the compliance requirements of DSAPT currently and therefore the same constraints would exist.

As outlined in the application, there are many technical constraints when minimising the gap between the train and the platform to allow for unassisted boarding at all doors. New standards have been introduced to progressively allow unassisted boarding, including new platform standards. However, until major upgrades across all stations take place, staff assistance will remain an operational necessity.

Unfortunately recommendations 1 and 2 are not feasible as they do not consider the significant upgrades required to rolling stock in order to accommodate additional allocated spaces concentrated at one door of the train, or the train to platform interface which exists regardless of rolling stock type.

Operators put into place operational procedures and processes that ensure a consistent customer experience where old and new fleets are operating on the same line. This includes messaging that allows customers to appropriately plan for their journey.

ARA members continue to upgrade boarding points and as noted above, would welcome the same conditions as per the 2015 conditions; providing access to a second door boarding point if access to the first boarding point can't be met, notifying the public to boarding procedures and reporting annual progress.

Single door boarding aligns to onboard allocated spaces. It is important to note that a customer in the position of allocated spaces provides appropriate access amenities and information on-board the train.

Even on double-decker fleets, the purpose of this is about ensuring equitable access to amenities on board (such as toilets).

Response to the submission of the National Inclusive Transport Advocacy Network (NITAN)

Please see comments directly above in response to the submission of All Aboard, where reference to recommendation 1 is NITAN's recommendation A and recommendation 2 and NITAN's recommendation B.

Response to the submission of the Anti-Discrimination NSW

The ARA and its members welcome the ADNSW view that it “does not oppose the granting of the exemption provided it is subject to the same conditions outlined in the 2015 temporary exemption relating to rail conveyances.”

DSAPT Clause 6.4 ‘Slope of external boarding ramps’

Response to the submission of the Disability Resources Centre

V/Line and DoT (Vic) recognise the comments by DRC about the importance for boarding solutions to be identified and put in place as a matter of priority. As detailed in the application, identifying appropriate solutions has been difficult with a variety of factors impacting what solution is possible at each station. These factors include platform type and fixtures, fleet type variability and OHS considerations for staff and customers. V/Line and DoT (Vic) also acknowledges that ramp gradients can be a barrier to accessing public transport.

As such DoT (Vic) will be funding V/Line to complete an assessment of the regional network and identify solutions that would be appropriate when considering the individual platform/train interface. This valuable data will be used to inform future recommendations and funding submissions and will guide the state as to how it should prioritise accessibility upgrades on the regional rail network. Further, noting the DRC’s recommendation for “data mapping”, MTM can confirm that locations across the network which are less than 1 in 8 have been identified and are being progressively rectified in a prioritised manner. This includes identifying localised solutions as well as reviewing assistive devices.

Response to the submission of All Aboard

The rail industry has made progress in boarding ramps including the development of custom designed ramps, which provide improved gradient for customers while considering operational constraints (eg-ramp material for strength, weight that staff can safely manoeuvre and dimensions that can accommodate different rollingstock).

In addition, it is worth noting that Monash University has stated that the deployment of a longer ramps to meet gradient requirements is not always feasible on existing platforms. A longer ramp can create further barriers as ramps impede manoeuvring areas and passengers are unable to safely navigate the ramp. Larger and longer portable ramps also weigh more for staff which can create handling issues and create higher risk of injury.

Response to the submission of the National Inclusive Transport Advocacy Network (NITAN)

NITAN states that “The use of direct assistance by informal supports also should never be seen as a solution to what is principally a budgeting and program management of infrastructure improvement issue.”

The ARA and its members agree and highlighted in the application that budgeting constraints have had an impact on infrastructure upgrades to comply with the DSAPT. Rail networks are funded by State Governments and whilst operators submit business cases and funding requests, funds are limited.

Response to the submission of Anti-Discrimination NSW

The Anti-Discrimination NSW “does not oppose the granting of the exemption provided” recommending that “ARA members must take steps to increase the number of locations where external boarding ramp slopes of 1 in 8 or better will be achieved.” The ARA can confirm that some ARA members have identified locations across the network which are less than 1 in 8 and are working to progressively rectify these in a prioritised manner. This includes identifying localised solutions as

well as reviewing assistive devices and exploring the use of platform humps as a measure to minimise the gap between the train and platform which also assist in improving the gradient of the boarding ramp when deployed.

Response to the submission of Queenslanders with Disability Network

The QDN “calls on ARA to follow the Queensland examples” of partial platform raising and entire platform raising. The ARA is pleased to advise that its members have plans for platform upgrades and have been briefed on Queensland Rail’s program of partial platform raising with some members are now exploring the use of platform humps as a measure to minimise the gap between the train and platform which also assist in improving the gradient of the boarding ramp when deployed.

DSAPT Clause 8.2 ‘Boarding – when boarding devices must be provided

Response to the submission of the National Inclusive Transport Advocacy Network (NITAN)

As noted above, although NITAN states that “very little work has been done to innovate ramp solutions”, innovations continue to be made in ramps.

The ARA notes NITAN’s, comment about “many best practice examples existing overseas” but advises that there are issues with automated ramp solutions where multiple types of rollingstock are in use, creating potential safety issues in some locations.

Response to the submission of Anti-Discrimination NSW

The ARA and its members welcome the Anti-Discrimination NSW’s position “not oppose the granting of the exemption provided it is subject to the same conditions in the temporary exemption granted to ARA in 2015.” As noted in section one, the ARA and its members will commit to meeting the same conditions that were linked to the 2015 temporary exemptions.

APPENDIX A

The following content is drawn from Appendix B of the ARA's initial temporary exemption application.

Note, the information provided at Infrastructure and Trains Upgrades is a summary of the content provided with the original application.

Accessibility Action Plans

- **DoT Victoria:** All Victorian operators, under their operating agreements, are required to submit to the Department annual reports tracking their progress towards their accessibility targets and success measures, and to bring forward proposals to improve the provision of accessible services and their strategies for compliance. The metropolitan rail and tram refranchising contracts, in place for almost a year now, have implemented a tighter management and performance regime for operators, and have had operators submit implementation plans for their Accessibility Action Plans. As a requirement of their operating agreements, Victorian operators and the ticketing service provider have all developed Accessibility Action Plans and report annually to DoT on implementation of and progress against these plans, tracking progress against goals and KPIs.
- **MTM:** MTM has an Accessibility Action Plan 2019 – 2021 which is available on the MTM and Australian Human Rights Commission website. The plan was developed in consultation with MTM users and went through several stages of feedback before being finalised with approval from the MTM Accessibility Reference Group.
- **V/Line:** V/Line released its third Accessibility Action Plan in 2019 for 2019-2022. This plan outlines the organisations key priority areas for 2019-2022 and the initiatives that will be explored to achieve theses. This plan is also available in Easy English and text only on the V/Line website.
- **PTAWA:** The PTA's Disability Access and Inclusion Plan 2017-2022 is available on both the PTA and the Australian Human Rights Commission websites. The PTA submits annual reports on the level of implementation of this plan to the state's disability regulator. A summary of this report is aggregated with those of other organisations into a state report that is tabled with the State Parliament every year.
- **TfNSW:** The Transport for NSW Disability Inclusion Action Plan 2018-2022 includes more than 160 new actions to reduce transport disadvantage ranging from journey planning, to staff training, customer services and the interaction between transport modes. As part of the plan, programs such as the Transport Access Program and Fleet Delivery will continue to upgrade railway stations and deliver new rolling stock in order to become fully accessible. This is building on the success of the previous plan which resulted in 165 railway stations becoming fully accessible.

Accessibility education of the rail workforce

- **DoT Victoria:** To improve staff awareness around disability and capability to ensure accessibility, Victoria's Department of Transport is delivering the "Travelling in the Shoes of Others Program", which is a state-of-the-art training aimed at building awareness and understanding of the challenges that people with disabilities, including vision loss, are facing when using public transport. This half-a-day training is offering participants from DoT and operators the opportunity to navigate the network with a simulated disability to understand users' needs and experiences. Session attendees travel on all public transport modes using a mobility device or with a simulated vision impairment. They do this in small groups with support by experienced occupational therapists who ensure everyone's safety. Based on ratings by all previous years' attendees, this program has been identified as a flagship training program for the Department, which has

now secured multiple sessions for all its executives to participate in 2020. The Major Transport Infrastructure Authority's agencies, including Rail Projects Victoria and the Level Crossing Removal Project alliances, have also secured exclusive sessions for their staff to experience the workshop, reflect on issues and opportunities for improvement and on their role in this process.

- **MTM:** Disability training is provided to all MTM frontline staff. MTM has been accredited with the Communication Access Symbol, meaning that staff have the skills and tools to assist people with communication difficulties. Staff receive regular refresher training informed by passenger feedback or any emerging trends. MTM has a dedicated team to engage with community groups and increase their knowledge and confidence around services provided by the operator. The Community Education Unit routinely delivers travel training on the network in partnership with disability service providers.
- **V/Line:** All frontline staff participate in Disability Awareness training provided by Scope Australia that is delivered by a person with lived experience of disability. This is supported by eLearning refresher training also developed by Scope. In 2016 V/Line became the first public transport operator to become accredited with the Communication Access Symbol. This included training and a variety of tailored communication tool kits for station staff and conductors. V/Line undergoes annual assessment against the Communication Access Symbol to ensure that staff knowledge is retained, and continual improvement opportunities realised.
- **PTAWA:** The PTA has developed a staff training DVD titled "Disability Awareness Training for Frontline Staff" delivered to all frontline staff including drivers and customer service personnel. PTA also runs regular program to promote the importance of courtesy to all other passengers with programs titled "Give a Hoot" and the current "Be a Good Egg" campaign, which includes consideration of people with disability as well as the seniors and people with small children.
- **TfNSW:** Transport for NSW worked collaboratively with NSW Trains and disability service provider Northcott to deliver Communication Access Training in 2019 as a trial across the Wollongong line. The training enables staff to communicate successfully with people with communication difficulties and provides them with the tools to help people get their message across. Due to the success of this trial a future planned roll out of the training is now being considered. All frontline customer service staff undertake disability awareness training as part of on-boarding procedures.

Infrastructure and train upgrades

- **DoT Victoria:** Infrastructure projects that are resulting in improved accessibility are being delivered across the rail and tram network in Victoria. DoT is improving accessibility through the following:
 - o Works to enhance accessibility on rural and regional rail stations, tram and bus stops, by delivering upgrades that are compliant with the DSAPT and introduce best practice and innovative accessibility solutions, such as the establishment of Changing Places facilities and Assistance Animal Relief Areas, the installation of beacons to help passengers with low vision and blindness to navigate stations, the deployment of mechanical wheelchair movers at rail stations to allow staff to safely assist passengers using wheelchairs to traverse steep ramps and more.
 - o New stations for the Level Crossing Removal Program, various metropolitan station upgrade programs, and Metro Tunnel project that will include Changing Places Facilities at new underground stations and a fully accessible tram interchange at Anzac station.
 - o Procurement of new, modern and accessible rolling stock, and the upgrade of existing rolling stock to meet forecast growth without compromising progress towards improving accessibility and up to 18 new VLocity trains, replacing older trains on some of Victorian busiest regional lines.
 - o Three new regional train stations in and around Bendigo, at Goornong, Raywood, and Huntly, alongside plans to re-establish a station at Harcourt.
- **MTM:** Unassisted boarding is now available at 77 stations around the MTM network. All trains operating on the metropolitan rail network are accessible via assisted boarding (ramp deployed by the driver/ customer

service staff). New PIDs have been installed in 144 stations. Works have been carried out to upgrade accessible parking, TGSIs, ramps, toilets, shelters, waiting rooms, lift installation and handrails and 19 stations have been completely rebuilt, addressing accessibility barriers as the stations are brought up to current standard. With unprecedented investment in rail continuing over the five years, passengers will see a dramatic uplift at many more stations around the network.

- **V/Line:** Significant work has been completed to improve pedestrian crossings and remove level crossings, to increase safety. Investment into a variety of projects has and will continue to increase accessibility, including but not limited to the Regional Rail Revival (RRR) works delivering upgrades along all 5 of V/Line's corridors (including station facility and accessibility upgrades, as well as track and signalling works) and station facilities and carpark upgrades projects outside of RRR projects.
- **PTAWA:** In Western Australia, a significant portion of the PTA's facilities comply with the DSAPT. The PTA has progressively upgraded its existing infrastructure to ensure it complies with the DSAPT, including:
 - o All train stations have been audited for DDA/DSAPT compliance and this work will guide future programs to improve accessibility across the network.
 - o An ongoing DDA upgrade program with 13 train stations upgraded (at a cost of \$68 million), with a further \$71 million allocated for the 2020 to 2025 period. In addition to these funds, specific programs to improve at-grade pedestrian crossing and lifts have been implemented.
 - o Better Stations Program Upgrade – Fremantle and Maddington stations, Mirrabooka Bus Station.
 - o DDA Upgrade Project Stage 1 – regional rail stations, tactile ground surface indicators and seating at selected stations.
 - o DDA Minor Stations Upgrade Project Stage 2 – Beckenham, Meltham, Mt Lawley, Kenwick and Queens Park stations and track works at 13 stations.
 - o During 2017/2018, the PTA completed the upgrade of East Perth station and completed the construction of the Optus Stadium station.
 - o Plans to upgrade key regional train stations over the next three years. The upgrade will include a high-level platform, ramps, stairs and handrails in accordance with the DSAPT. Yarloop and Carrabin Train Stations were upgraded in 2018/2019 and the upgrade of North Dandalup and Cookernup train stations and Carrabin completed in 2019/2020.
- **TfNSW:** New transport infrastructure and services in NSW, for example Sydney Metro and Sydney Light Rail both opened in 2019, continue to be delivered to the highest standards of accessibility as a result of extensive customer testing and engagement activities. Further, the Fleet Delivery Program is providing new trains for a more comfortable, reliable, efficient and accessible journey. This includes new suburban, intercity and regional trains to replace older fleet.

For legacy infrastructure, Transport for NSW has a number of programs which are investing in the retrofit of rolling stock and upgrade of train stations to comply with the DSAPT. The Fleet Delivery Program is delivering an upgrade of the existing Tangara fleet to extend their life and align the rolling stock with the latest generation of trains on the Sydney network. This includes an improvement of accessibility features such as on-board audio and visual passenger information systems, colour contrast doors and handrails, priority seating and emergency help points

Currently, 217 stations on the Sydney Trains and NSW TrainLink network are wheelchair accessible out of a total of 362. The Transport Access Program is an initiative to provide a better experience for public transport customers by delivering accessible, modern, secure and integrated transport infrastructure. To date, total investment in the Transport Access Program has resulted in an investment of over \$2 billion since 2011 making more than 90 percent of customer journeys accessible. Transport for NSW endeavours to work with the NSW Heritage Council to ensure access modifications at heritage railway stations meet the needs of all customers and do not interfere unnecessarily with the fabric of the heritage assets.