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# Submission on Issues Paper: Promoting Inclusion - Public Transport

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## Introduction

Despite its national reputation as an egalitarian society, for many years Australia has excluded many people from full enjoyment of the privileges of living here. Changing community attitudes and awareness of human rights have led to many attempts to change this aspect of Australian life over the past fifty years. The Disability Discrimination Act and the sequential National Disability Strategies, with their State and Territory counterparts, have demonstrated the nation's commitment to offering equal opportunities to people with disabilities. The National Disability Insurance Scheme provides one of the first mechanisms for collecting national data about people with disabilities and for learning about our needs, our goals and our progress towards achieving them. No matter what efforts are made by individuals or what policies and programs are implemented by governments, Australia will not become an inclusive society until all aspects of the community consider and value equally the needs of all Australians, including those with disability.

Statistics cannot capture exclusion. They do consistently reflect the lower proportion of people with disability who participate in various aspects of society, including employment, higher education, and home ownership. While many individuals who are blind or vision impaired first experience exclusion as a personal issue, their repeated exposure to exclusion and their discovery, through meeting or discussing with their peers, that these experiences have been shared by so many others, eventually lead them to realise that the barriers we confront are systemic. Versions of these exclusions have been experienced by all members of the BCA Board, its volunteers and the majority of the staff, who are blind or vision impaired. These concerns are demonstrated in the numerous case studies of people BCA has supported with individual advocacy.

This Disability Royal Commission is a unique opportunity to tell Australia what life is like for people with disability and to explain how this makes us vulnerable to violence, abuse, neglect and exploitation. We need to be included fully in society by having full access to public transport, education, employment, healthcare, citizenship and all activities of daily life. Blind Citizens Australia is pleased to respond to the Promoting Inclusion Issues Paper.

Blind Citizens Australia (BCA) is the national representative organisation of Australians who are blind or vision impaired. Our mission is to inform, connect and empower Australians who are blind or vision impaired and the broader community. We provide peer support and individual advocacy to people who are blind or vision impaired across Australia. Through our campaign work, we address systemic barriers limiting the full and equal participation of people who are blind or vision impaired. Through our policy work, we provide advice to government and the community on issues of importance to people who are blind or vision impaired. As a consumer-based organisation, our work is directly informed by lived experience of blindness and vision impairment. Our members, our directors and a majority of our staff are blind or vision impaired.

This submission will focus on two of the key questions from the Issues Paper on Promoting Inclusion.

* Question 3: Do you think Australia is an inclusive society? If not, why not?
* Question 4. How can an inclusive society support the independence and choice and control of people with disability?

## Public transport and pedestrian safety

BCA will be lodging other submissions in relation to some of the barriers which exclude people who are blind or vision impaired. This submission will focus on public transport and pedestrian safety.

Reliable and accessible public transport systems and infrastructure are essential for people who are blind or vision impaired. The ability to move around safely and independently offers access to all other aspects of life including education, employment, healthcare, shopping and community activities. Recognition and respect of the rights of pedestrians to a safe and uncluttered walking environment are also crucial. The increasing use of technology in public transport and navigation brings with it opportunities and challenges. Whatever innovations are adopted, the services provided must still be accessible to all users, including people who are blind or vision impaired, and this includes maintaining features which meet our needs, such as audible announcements and clear signage. Public transport systems are an ingredient in a whole journey, where the needs of all users must be considered, when designing connecting services and surrounding spaces and infrastructure. There are longstanding and ongoing issues with public transport.

In terms of overarching legislation, it is critical that changes are made under the Disability Discrimination Act 1992 (DDA), and under associated standards of the Disability Standards for Accessible Public Transport 2002 (DSAPT). These standards set out requirements across all public transport networks for accessible and inclusive design in Australia.

### Overarching issues across all transport

#### Tactile indicators and audible announcements

BCA was founded in 1975. Some of its earliest projects were aimed at increasing the safety of pedestrians and public transport users who were blind or vision impaired. Our first major campaign was the installation of audible traffic signals. Tactile signals were added later. Our advocacy work continues to involve ensuring the installation and maintenance of vital safety features. Tactile ground surface indicators (TGSI) to warn, on the edges of platforms, to direct paths of travel and to highlight useful points, such as bus stops. Audible announcements inform about the next conveyance to arrive and its destination and can announce each stop. Interchanges are almost impossible to navigate effectively without audible announcements. These features are both provided for in the Standards developed under the Disability Discrimination Act (DDA). Not providing these features, or not planning to do so, is discrimination. Members still regularly report travelling on trains and buses that do not have audible announcements or where the announcements are made but not audible or where they are sporadic. At some stations, the volume is turned down at night, as are some audible traffic signals, implying that people who are blind or vision impaired are subject to a curfew that does not apply to others and that our safety is less important than residents' sleep. New stations and stops are still built where TGSIs have less colour contrast than is mandated, or where the surfaces are not sufficiently distinct, because designers prefer this aesthetic.

The usefulness of all these features lies in their consistency. People who are blind or vision impaired feel included by society when they can know with certainty which train they are catching, what stop their ferry has reached, where the edge of the light rail platform is and when they can cross the road. Inconsistency and lack of attention to these details compromises our safety and our confidence.

#### Technology

NSW is developing an app which will tell bus drivers when to stop. The Hailo app currently operates internationally. Brisbane-based technology developers, including an individual who is blind, ran a successful trial in Sydney and subsequently had a meeting with Transport for NSW, with support for this project by Guide Dogs NSW / ACT. This app could give certainty to people who are blind or vision impaired, who otherwise have to rely on the driver remembering that they asked to be told when they reached their stop. It could also increase privacy and reduce the risk or fear of being followed on leaving the bus. On the other hand, people should not have to use a phone or have an app to be able to find out when to get off. Drivers need to be educated about their responsibilities to people with disabilities. Services should be accessible and this includes continuing to use audio announcements. There is an issue particularly with on-demand services, which may lead to inconsistency of pick-up points, making identifying stops difficult.

On-demand systems are in their infancy, and they work by allowing an individual to indicate that they want to use a particular service. Although on-demand services could be useful for people who are blind or vision impaired, the accessibility must be considered service design from the booking process to the design of vehicles including space for the dog guide etc., and the pick-up and drop-off points and how these can be identified by the user.

In terms of accessing public transport, booking systems can be difficult to use for on-demand services. They often do not allow for people who need more time to complete their transaction, due to their age, lack of technology, training or skill. A concerning issue has been raised repeatedly by BCA members about incompatibility of apps used for transport with screenreader software, especially when updates are made to the app, rendering it incompatible with screenreading software like Voiceover, or accessibility settings like large font or contrast.

#### Staff assistance

A further issue of concern to BCA members is the lack of personnel. On trains and stations, people who are blind or vision impaired rely on the assumption that someone is watching to ensure they are safe. Dangers arise for all passengers when there are gaps between boarding platforms and train carriages, or between vehicles and surfaces for onboarding. When vehicles break down, people who are blind or vision impaired are likely to be disoriented and are likely to need assistance to get to safety or to find an alternative way of reaching their destination. Driverless vehicles cause particular concern. It is imperative that there is regular observation by and contact with or from trained staff for passengers needing assistance.

#### Dog guide issues

Dog guides are accommodated across all public transport networks in Australia under the Disability Discrimination Act 1992 (DDA), specifically section 9, and under associated Standards. The requirement for dog guide carriage on services is legislated (see Mulligan vs Virgin Australia Airlines Pty Ltd, 2015). Despite this requirement, refusal of service is still a major issue facing people who are blind or vision impaired who are handlers of dog guides, which aid in their mobility for accessing community. Many of the service refusal issues are taken to the Australian Human Rights Commission for conciliation, however many of the complaints are either handled at company or organisation level, and will not appear in formal data.

It is critical that all customer-facing staff in all areas of transport are trained in dog guide awareness raising and compliance with legislation around carriage and access for dog guides and their handlers. In fact, all employees need to know about their company's policy on service dogs. Additionally, staff training needs to occur on rights of dog guide handlers and Disability Discrimination law, specifically section 9. In addition to the issues faced at airports and on flights, BCA members have particularly reported repeated service refusals using taxi and rideshare services.

There are a dog guide access issues which particularly arise in connection with flying. People who are blind or vision impaired travelling with dog guides need accommodations to ensure the safety and wellbeing of their service animals. One major issue reported by BCA members is that airports need to provide facilities for dog guides. Some airplanes do not have the anchor points needed for the dog, which leads to some limitations in terms of seat choice.

Another issue facing people who are blind or vision impaired whom are also dog guide handlers is the issue of domestic pets being allowed carriage on public transport. This distracts dog guides from their professional task at hand of ensuring their handler remains safe when navigating public transport; if an untrained dog harasses a dog guide whilst working, it could lead to both the dog guide and the handler being in significant danger of injury or even death, due to the lapse of attention by both the dog guide and / or handler.

#### Regional and remote issues

Public transport services need to be increased in regional and remote areas for people who are blind or vision impaired to be granted wider community access and participation. BCA members reported that they have difficulty often being able to independently navigate regional and remote areas in Australia. There is often a lack of service availability or service options, causing people who are blind or vision impaired to be reliant on informal supports for accessing and navigating their local communities. Provision of transport options and access would aid in increasing

 community access and participation for people who are blind or vision impaired. A by-product of isolation is often poorer mental health outcomes for people who are blind or vision impaired due to their isolation.

### Forms of public transport and pedestrian safety issues

#### Buses and trams

Another issue faced by people who are blind or vison impaired in wayfinding is identifying a spot when attempting to catch public transport like buses or trams. Features which could help would be tactile stop numbers, braille, including a phone number for further assistance.

Further, once on board a bus or tram, priority seating should be visible to driver, with high visibility bells, grab rails and doors with appropriate luminance contrast and audible announcements. Although modern vehicles often have many of these updates, problems persist with older vehicles, vehicles used by private providers, and these issues are marked in regional areas.

#### Airports

Airports can pose challenges for people who are blind or vision impaired. With the majority of travellers encouraged to use electronic tickets and check-in, there are often few staff available to assist passengers who are blind or vision impaired to navigate from a taxi or train, through check-in and security to the departure gate. Arriving passengers need similar services, including collecting luggage. Airports will often be unfamiliar to users, who might otherwise get around quite confidently. It is desirable that airports, rather than individual airlines, provide meet and assist services. These services must offer tailored service, meeting the passenger's specific needs, so that, for example, people who are blind or vision impaired but do not have restricted mobility, are not compelled to travel in wheelchairs.

If specific meet and greet assistance has been requested, BCA members have reported that the assistance offered is highly inconsistent. BCA members reported varying levels of understanding in sighted guide techniques for assistance in navigating the airport to boarding gates, luggage claims and exiting the airport. Significantly, if a staff member does not have appropriate training or understanding of sighted guide technique, this results in anxiety and increased risk of harm to a person who is blind or vision impaired in navigating the airport.

#### Airline issues

Passengers who are blind or vision impaired need personalised explanation of location of exits, which type of plane they are on and emergency procedures, even if a service has accessible formats of safety card available. This means that a person who is blind or vision impaired is able to independently and safety evacuate with other passengers in the event of emergency. Further, accessibility issues extend beyond safety instructions to in-flight entertainment, and this problem is international.

With the increasing privatisation of airlines, it must be a requirement that tenders include a disability action plan. This includes agreeing to the implementation of concession fares across all services. Further, signage across airports must have braille labelling, alongside high contrast, large print options. In addition, video displays including safety evacuation procedures need to have the option to turn on audio descriptions.

#### Electric Vehicles

The use of hybrid and electric cars on Australian roads is steadily increasing. Further, electric bus fleets have been added in Sydney, with an expected expansion of that fleet over time. Although these vehicles may present significant environmental benefits, they have the potential to severely compromise the safety of pedestrians, particularly pedestrians who are blind or vision impaired. A natural consequence of an ageing population will also be increased prevalence of hearing loss in addition to vision impairment. For those with partial hearing loss, the issue of hybrid and electric cars being silent is particularly pertinent.

Historically, the sound emitted by road traffic has enabled pedestrians who are blind or vision impaired to travel safely and independently when crossing roads and using footpaths. People who are blind or vision impaired are able to safely navigate roads and areas with vehicles due to listening to the noise of engines and to the sound of the traffic moving in relation to themselves. The rise of hybrid and electric vehicles thwarts this attempt to use noise to safely and independently navigate in areas with traffic due to their silent approach. These vehicles are impossible to detect audibly at a safe distance, thereby increasing the risk of pedestrian injury or death. Recent research conducted by Monash University in conjunction with Vision Australia revealed the following, based on a survey of 246 participants with blindness or vision impairment:

* 75% of participants regularly walk, daily or almost daily. Out of these participants, 42% walk outside unassisted and 58% walk outside assisted. The majority of those walking outside assisted do so by using a white cane.
* 35% of participants experienced a collision or near collision with an electric or hybrid vehicles;
* 74% of participants reduced confidence due to the introduction of electric or hybrid vehicles.

The World Blind Union (WBU) urges all member nations to push for a Global Technical Regulation to have a minimum sound standard that:

* Is similar in character to the sound emitted by an internal combustion engine;
* Requires sound be emitted whenever the vehicle is in operation, including when stopped;
* Applies to any quiet vehicle including electric, hybrid electric and quiet internal combustion engines; and
* Prohibits the inclusion of a driver controlled on/off switch.

UN regulation no.138 covers the “uniform provisions concerning the approval of Quiet Road Transport Vehicles with regard to their reduced audibility.” In 2017, amendment no.1 to this regulation specified that an off-switch for the Acoustic Vehicle Alerting System his AVAS" is prohibited. Australia is not currently a signatory to this amended regulation (138-01).

In Australia, the Vehicle Noise Standard ADR83/00 stipulates the limits on external noise emitted by light and heavy vehicles. This needs to be extended to include hybrid and electric vehicles, to place a requirement for all hybrid or electric vehicles to have a minimum noise emission for auditory detection when being driven or when idling, e.g., on driveways, crossings, or intersections.

In 2019, bipartisan support was secured to develop a regulatory statement in relation to a minimum noise emission for hybrid and electric vehicles. Plans are underway to mandate a minimum sound requirement in these vehicles. A Regulation Impact Statement is now being developed by the government for the AVAS to be implemented in all hybrid and electric vehicles.

In October 2020, the Parliament of NSW made a recommendation in their final report after an inquiry into electric buses in regional and metropolitan public transport networks, that a safety precaution, an automated noise emitter or alert, is mandated for electric buses. The subsequent response from the NSW government indicated that this is supported in principle. "Transport for NSW will work with the Federal Government to update the Australian Design Rules to improve the safety of vulnerable road users where required and will consider the inclusion of AVAS in its specifications for zero emissions buses" (p.13).

BCA encourages state and federal governments to take a strict approach to the regulation of hybrid and electric vehicles in Australia in order to maximise pedestrian safety. It is important that this matter is not left to the discretion of car manufacturers and is driven by government, to ensure a consistent approach to pedestrian safety across the industry.

BCA recommends the mandatory legislation based on the UN standard for minimum sound requirements for all hybrid and electric vehicles. This requirement must be included in the Australian Design Rules and referenced in the Motor Vehicle Standards Act 1989 (Cth). The AVAS must be a mandatory requirement for hybrid and electric vehicles. This system would require a noise to be emitted from car start-up to travelling 20 km/hr, either in a forward direction or in reverse. Further, it must be mandated that the requirement is implemented without the capacity to switch off the function. Finally, Australia is encouraged to become a signatory to UN regulation 138-01. These measures would ensure the continued safety and independence not only of Australians who are blind or vision impaired, but for all pedestrians.

#### e-scooters and e-bikes

E-scooters and e-bikes are becoming more common in space shared by pedestrians, including pedestrians who are blind or vision impaired. There is a high risk of collisions causing serious injury because e-scooters and e-bikes can move much faster than the pedestrians.

Pedestrians who are blind or vision impaired often cannot detect the approach of e-scooters and e-bikes. The little noise they emit is often masked by ambient street noise.

Pedestrians who are blind or vision impaired have a strongly founded fear that they risk injury from devices passing too closely, too quickly and without warning. This fear arises from the inherent characteristics of the devices, from our experience that riders do not always act safely.

The following issues have been identified relating to e-scooter or powered scooter use compromising the safety of pedestrians who are blind or vision impaired:

* Difficulty detecting e-scooters approaching from behind due to the quiet approach, high speed use (up to 25 km/hr) and a lack of a warning system being used due to either a) riders not using the bell or b) the bell being removed from the scooter by previous users
* e-scooters overtaking from both sides of the footpath
* e-scooters being deposited across pedestrian areas after use causing injury when a pedestrian who is blind or vision impaired trips over it / lack of docking stations for e-scooters to be safely located out of pedestrian areas after use
* e-scooters being used in high-pedestrian areas like the CBD / lack of geo-locking to keep to keep e-scooters from entering high-pedestrian areas like malls, with speed-locking mechanisms to keep speeds below 10 km/hr
* e-scooters blocking tactile guidance systems, traffic lights and walls which are essential for the independent mobility of people who are blind or vision impaired.

Reports have been recorded nationally about non-compliance with city scooter rules, including speeding violations. Additionally, use of scooters under the influence of alcohol has increased safety concerns about scooter use.

These reports of scooter misuse amplify the concerns around scooter use more broadly for pedestrians who are blind or vision impaired co-sharing space with e-scooters / powered scooter users. If a scooter user is acting with disregard generally for the people around them or the space they are using, it should not be incumbent on a person who is blind or vision impaired to be hyper-vigilant in avoiding a collision.

An overall increase in injuries has been recorded by Australian medical professionals, including both to the e-scooter users and other pedestrians or bystanders who have been injured by the scooters. The Royal Australian College of Surgeons issued a stark warning to riders, to have concern for their own safety and for the safety of those around them by riding responsibly.

The use of e-bikes in shared pedestrian spaces like footpaths has caused issues for people who are blind or vision impaired, which are similar in nature to e-scooters:

* E-bikes overtaking from both sides instead of staying to the left and cyclists not slowing down when overtaking, maintaining high speeds
* E-bikes being deposited across pedestrian areas after use causing injury when a person who is blind or vision impaired trips over them
* E-bike users not using a bell to alert pedestrians to their presence when approaching from behind.

Lack of regulatory controls for e-bikes

A pedestrian was killed in 2015 on a footpath by an electric bike that had paperwork purporting to have a 250-Watt motor, however it was proven it had a capacity exceeding this limit.

This issue means e-bikes may be enabled to travel at higher speeds than a user realises, in pedestrian areas, thereby placing pedestrians who are blind or vision impaired using the shared space at even greater risk of injury or death.

BCA recommends a uniform approach to the legislation and the rules implemented across pedestrian-access, public places in Australia, where e-scooters or e-bikes are not prohibited.

## Recommendations

BCA strongly recommends the following actions.

1. Tactile ground surface indicators (TGSIs) must be installed in a consistent manner across all platforms and boarding spaces for public transport, to indicate features like train platform edges, boarding points for buses etc. TGSIs should have sufficient contrast for effective detection by people who are vision impaired.
2. Audible announcements for stops need to be implemented across public transport networks for people who are blind or vision impaired to be able to accurately and safely identify their stop-off points.
3. The development of apps for transport stop announcements is welcomed, however this is contingent on the apps being accessible, developed through co-design and user testing processes from conception to implementation of the apps. Further, audible announcements on public transport services are strongly recommended alongside any app solutions.
4. Digital accessibility for public transport must extend to online or app systems which allow people to pre-book services or tickets. Online services need to be compliant with Website Content Accessibility Guidelines (WCAG) and apps need to be compatible with screenreading software, ascertained through co-design and user testing of apps throughout development stages.
5. It is essential that public transport services, especially trains, have trained staff available on the platform to provide assistance to people who are blind or vision impaired. Stepping over the gap between a platform and a service like a train is a major safety concern for people who are blind or vision impaired. It is particularly critical when there are delays or diversions for services, that there are trained staff available to assist in reorienting people who are blind or vision impaired to where they need to be. Staff need to be trained in formal sighted guiding techniques to assist passengers who are blind or vision impaired e.g., allowing a passenger to hold a staff member at the elbow to be guided through a space etc.
6. Accommodations for dog guides have to be made under Section 9 of the Disability Discrimination Act, across all public transport services. This includes but is not limited to, more anchor points at appropriate points on air services, service refusals being disallowed by taxi and rideshare services, and domestic pet dogs not being allowed carriage on public transport where a handler and dog guide may also be present.
7. Public transport delivery and service options need to be increased in regional and remote parts of Australia, to allow people who are blind or vision impaired to be able to independently and safely access their local communities.
8. Airlines need to have a disability action plan, especially at the point of pitching for tenders in an increasingly privatised environment. This plan would outline accessibility and inclusion measures for people with disabilities when accessing airports and air services.
9. People who are blind or vision impaired need to be able to access staff at check-in, onboarding points, luggage collection, and exits for airports. Further, staff training needs to be provided to all staff assisting with check-in and onboarding procedures, especially in techniques including sighted guiding.
10. Accessibility measures including signage throughout airports need to be provided with adequate measures including contrast, and large print text, with braille labelling as appropriate.
11. Evacuation procedures need to be explaining clearly and concisely to passengers who are blind or vision impaired, with instructions provided in braille or large print if required.
12. Accessibility issues on airlines including operation of online entertainment systems are recommended to be updated to ensure people who are blind or vision impaired can access systems like any passenger on an airline.
13. All states and territories are encouraged to limit the allowable speed of electric scooters to 10 km/hr and motor capacity to less than 200 watts.
14. All states and territories are encouraged to introduce geo-locking mechanisms whereby electric scooters are prohibited from entering built-up, busy pedestrian areas like malls.
15. All states and territories are encouraged to install a warning device on electric scooters and e-bikes e.g., a bell, without the capacity for these warning devices to be removed or de-activated.
16. All states and territories are encouraged to have public advertising campaigns relating to the safe use of e-scooters and e-bikes, both for users and for other pedestrians or bystanders. This would include: adhering to local speed limits for use, staying to the left side when overtaking, indicating through use of a warning device like a bell or calling out when coming up behind other pedestrians, slowing down when overtaking pedestrians, not using scooters or bikes whilst intoxicated or otherwise recklessly using scooters or bikes and storing them safely after use.
17. All states and territories are encouraged to introduce a system for the deposit and placement of e-scooters and e-bikes after use in pedestrian areas. This may include introduction of fines for failing to place devices in a safe place at the edge or off the footpath after use.
18. All states and territories are encouraged to enforce speed limits for e-bikes being used in shared pedestrian areas. E-bikes speed limits should be capped at 10 km/hr in shared pedestrian areas. Speed limit requirements can be meet by ensuring e-bikes have an auxiliary motor/s that is/are not capable of exceeding 200 Watts (power-assisted pedal cycle) or 250 Watts with pedal-assist (pedelec). An electric bike using the pedelec set-up must have a top, power-assisted speed of 25 km/hr, but it must not be used at this speed in pedestrian areas.
19. All states and territories are encouraged to ensure that e-bikes that are purchased and imported from outside Australia undergo strict regulation checks to ensure that the maximum allowed Watts are not exceeded, and top speeds cannot be exceeded.
20. All states and territories are encouraged to enforce regulations relating to e-scooters and e-bikes with penalties imposed if they are breached.
21. Anti-discrimination cases need to result in significant consequences for public transport providers which clearly breach the DDA. It is critical that appropriate penalties are issued, to dissuade providers from breaching the DDA.
22. BCA supports the strengthening of the DDA to ensure that people with disabilities are protected by a legislative requirement to remove systemic discrimination, in addition to specific cases that are brought before disability anti-discrimination commissions. Systemic discrimination should lead to significant penalties.
23. Cases proceeding to post-conciliation levels at state Equal Opportunity commissions or the Australian Human Rights Commission should be low or no-cost. The cost of pursuing an action at Federal Court level, if conciliation fails, is prohibitive to most people who are blind or vision impaired. There is also the risk of bearing the defendant's costs if the case fails. These costs and risks often outweigh any potential benefit to be gained from pursuing Federal Court action.
24. Federal, state and territory governments should fund, support, recognize and consult member-based organisations that represent and advocate for people with disability, including groups which represent people with specific disabilities.

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