



Legal route to access for all

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Transport reporter

Commuters who use wheelchairs are taking legal action against the Victorian government and Melbourne's tram operator over their failure to keep pace with federal standards for accessible public transport.

Five people with disabilities are taking their case to the Victorian Civil and Administrative Tribunal, in what could be the first of several discrimination cases against the government and Yarra Trams over the lag in overhauling Melbourne's sprawling tram network.

More than 1700 tram stops must be wheelchair-accessible by December 2022 and all trams must have low floors by the end of 2032, under the federal Disability Standards for Accessible Public Transport 2002.

As it stands, 73 per cent of tram

stops and 62 per cent of trams are inaccessible to people using wheelchairs, mobility aids and prams. If upgrades continue at the current rate, tram stops will not be accessible until 2066 and trams by 2045.

Martin Leckey, who uses a wheelchair and is one of the claimants, said it was unacceptable that disability standards created nearly two decades ago were still so far from being met.

"The progress has been very slow in making the tram network accessible and that's been very frustrating. In fact they've slowed down," he said. "They've put very little money into it over the last few years and we're falling further and further behind the targets."

Mr Leckey said upgrades to route 96 tram stops on Nicholson Street that were completed in January have significantly enhanced his ability to get around Melbourne. But the

project - for which Mr Leckey campaigned - was promised and funded 15 years ago and took too long to be built, he said.

While the first major deadline to upgrade tram stops is 2022, the Victorian Auditor-General warned the government had already breached federal standards relating to tram infrastructure such as ramps, guard rails and lifts.

The government lacks a clear plan to upgrade the network, despite facing the prospect of rulings against it that could put the state at financial risk, the watchdog warned.

The first legal case is to be lodged at VCAT this week, with lawyers from the Disability Discrimination Legal Service arguing their clients are being discriminated against under Victoria's Equal Opportunity Act 2010. Solicitor Hannah Gostelow said the auditor indicated the government was "currently not



*"In fact they've slowed down," says Martin Leckey, one of the complainants.
Photo: Paul Jeffers*

meeting their targets in relation to tram accessibility and, as a result, people with disabilities are continuing to be adversely affected".

VCAT can make site-specific legal orders that could involve rebuilding a tram stop to meet federal disability accessibility standards.

While traders and local councils have slowed the progress of upgrades, the department blames a lack of funding as the biggest obstacle to delivering more stop upgrades, the watchdog's audit shows.

The 2017-18 and 2018-19 budget cycles included funding for just one stop upgrade each.

The cost of upgrading Melbourne's remaining tram stops is \$2 billion, according to the department's calculations. This breaks down to a yearly cost of \$181 per person who lives with a disability or is located within 500 metres of the new stop, over 30 years. A govern-

ment spokeswoman said \$25.4 million was set aside in this year's budget for accessibility upgrades in the public transport network, which would support the design of seven tram stop pairs linked to the Metro Tunnel project and a new public transport accessibility strategy.

Since 2015 the government has invested in 50 low-floor, accessible E-Class trams, which would take the fleet to 100 once fully delivered.

"Making our public transport network accessible to all Victorians is a priority, which is why creating more, accessible transport options is a key part of our \$80 billion transport infrastructure program," the spokeswoman said.

A Yarra Trams spokesman said: "Yarra Trams works closely with the Department of Transport to deliver essential accessibility upgrades to our tram network infrastructure and rolling stock."