

Discrimination bid on historic trams

By **STEPHEN MOYNIHAN**
TRANSPORT REPORTER

AN 86-year-old pensioner is in a David and Goliath-like battle just so she can catch the tram.

Hazel Smith has lodged an anti-discrimination case against the Department of Infrastructure because she can't get on Melbourne's W-class trams.

Mrs Smith, of South Yarra, fell from a W-class tram two years ago, cracking a vertebra.

Her mobility is restricted and she gets about with the help of a walker but she wants "the old rattle traps" removed from Chapel Street because the steps are too high.

It takes her an hour to walk the few blocks to her doctor in Windsor but it is only a five-minute tram ride. It's not worth the bother to get a taxi because most won't take her for a \$3 fare.

Mrs Smith said she was not the only one. "There are many people like me with their little walking frames who have chosen to live in this area. There's a very large percentage of aged people and people without cars like me, who are tottering around."

Mrs Smith will represent herself when the case goes to the Victorian Civil and Administrative Tribunal later this month.

Yarra Trams chief executive Dennis Cliche said its contract with the State Government demanded that a set number of W-class trams run on the Chapel Street route.

The National Trust and Heritage Victoria have strongly supported the decision to keep the trams for their tourism appeal.

The Victorian Council of Social Service said the Government will fail to achieve its own target of making public transport accessible to all.

A Department of Infrastructure spokeswoman said the W-class trams were exempt from the policy. She said they would continue to be used on the Chapel Street and City Circle routes.

That's not enough for Mrs Smith. "I'm 86 now, I'll be dead by the time they get it done. I was told it would be at least five years before these W-class trams are gone. I'll be 91, I won't be able to lift a finger let alone a leg."



Hazel Smith is taking the Department of Infrastructure to task over the access to W-class trams.

PICTURE: MICHAEL CLAYTON-JONES

Tram delays leave disabled behind

REID SEXTON
TRANSPORT

THOUSANDS of disabled people will be unable to travel on Melbourne's trams because the State Government has failed to buy enough accessible new vehicles.

The failure has outraged disability advocates and prompted Human Rights Commissioner Graeme Innes to warn the Government that unless it meets agreed standards it will be in breach of federal anti-discrimination law.

The Government also is exposing itself to the risk of having to pay compensation to disabled people denied access to public transport.

Under Disability Standards for Accessible Public Transport, part of the federal Disability Discrimination Act 1992, 55 per cent of trams must be accessible and safe for the disabled by the end of 2012.

But the Government has no plans to meet this figure by then, with the number of disabled-friendly trams expected to remain about 24 per cent.

In its Disability Discrimination Act action plan published last year, Yarra Trams revealed low-floor trams were the only ones compliant with current standards.

The Government, which owns

Still waiting at the stop, seven years on



PICTURE: CRAIG SILLITOE

Melbourne's trams, has not ordered any new ones since coming to power in 1999, but is set to buy 50 low-floor trams — half of what was originally promised — for introduction in 2013 at a cost of \$1 billion. But even then it will not meet the standards.

The disability standards, introduced in 2002, lay out a time frame for public transport providers to remove barriers that prevent dis-

abled people from using various modes of public transport.

The Australian Human Rights Commission said if a disabled person complained about a standard not being met, the case could end up in the Federal Court, where a judge could impose a range of penalties, including an unspecified amount of compensation.

Mr Innes said this posed risks for the Brumby Government.

JOHN McKenna still remembers how proud he felt when he rode his first tram at the age of 39. That was in 2002, when low-floor trams had just been introduced to Melbourne's network, but little progress has been made since then, turning his joy to disappointment.

The city's 100 low-floor trams — around 20 per cent of the fleet — don't run on the route past his Glenhuntly house.

In fact, they only operate on seven of Melbourne's 27 lines and, even if you do find one, fewer than one-fifth of tram stops are accessible for people in a wheelchair.

John, who has arthrogryposis disorder, is a marketing consultant and television host. Like many disabled people, he values his independence. But, he says, some parts of Melbourne remain no-go areas for people in wheelchairs.

"We are second-class citizens when it comes to public transport," he said. "There are so many things disabled people can do these days, but how do you get there?"

REID SEXTON

"Legally it's only going to take one person to complain in order for the transport providers to have a problem," he said. "Once that one person wins and demonstrates that the standards have been breached there are going to be a lot of other people who are on that bandwagon. There's a serious business risk for non-compliance."

Mr Innes said the State Government was not meeting its side of a

bargain with disabled groups, who agreed to wait for complete access in exchange for a timetabled program that would partially be met by 2012. "Yarra Trams and the Victorian Government have a problem, but it's a problem they've known about since (the mid-'90s) and they've got three years to fix it," he said. "They're hurting Australians with a disability, who won't be able to use the public transport system."

Victorian Council of Social Service chief Cath Smith said it was unacceptable that most trams could not be used by people in a wheelchair. "Victorians with accessibility needs not only deserve better, they are entitled to public transport that they can use."

Yarra Trams said its plan to deliver full access was compromised by poor funding and a century-old network that was not created with accessibility in mind.

A Transport Department spokesman would not comment on the potential for court action.

A spokesman for Public Transport Minister Lynne Kosky said that by June next year the Government would have spent \$130 million over four years on improving disabled access, with a further \$150 million to come.



A step too far: Wendy Brooks can't access the trams that stop across the road from her work or near to her Port Melbourne home.

PICTURE: JAMES BODDINGTON

Next tram years away for disabled travellers

By **CLAY LUCAS**

WENDY Brooks' office might overlook two tram lines, but that doesn't mean the senior manager at Melbourne University, who is in a wheelchair, can take a tram to work.

While there are raised tram "super stops" on the two lines, the older-style trams that run in the area are not accessible by wheelchair and won't be modernised for many years.

Ms Brooks is forced to get a bus from her Port Melbourne home (also near a tram line), then wheel herself the final kilometre to work.

That trip will usually take

almost as long as the preceding bus journey.

For Ms Brooks, who has been in a wheelchair for seven years and has a neuromuscular condition, the 2032 deadline to make Victoria's trains and trams usable by all people with a disability is too far away.

"I will be long dead by then," she said.

Ms Brooks also regularly waits an hour for a wheelchair-accessible taxi.

"If I want to attend a meeting that isn't within wheelchair distance, I have to allow an hour over and above travel time," she said, because

wheelchair-accessible taxis often do not turn up.

She recently told her state MP, Labor's Martin Foley, that the 2032 target was not good enough.

He agreed, and wrote to Public Transport Minister Lynne Kosky, saying such a long period of change before the system would be accessible to all disabled people seemed "overly generous".

Victorian Council of Social Service chief Cath Smith said even the 2032 target would not be reached the way things were going. "We have got Buckley's chance of achieving the 2032 target," she said, also pointing

out that the plan to have 25 per cent of all infrastructure accessible to the disabled by 2017 is far behind schedule.

Ms Kosky said the Government knew how important it was to make public transport accessible for all.

Older trams, which have high floors and are not wheelchair accessible, had been kept in service because passenger numbers had rocketed, she said, and it was crucial for the tram system that they stayed in use. New low-floor, high-capacity trams would be bought, she said.

Her spokesman said 22 per cent of current trams met

accessibility requirements, as did 17 per cent of tram stops.

The Government has promised to buy up to 50 new low-floor trams (an earlier 2006 transport plan from her predecessor, Peter Batchelor, promised 100 low-floor trams).

The Public Transport Users Association said a lot of time and money was being spent installing platform stops on routes where no low-floor trams were in use.

"A proper strategy for implementing an accessible tram system should involve rolling-out the trams and the tram stops together," president Daniel Bowen said.



James Carter was trapped for about an hour on the 96 tram after missing his stop, forcing him to the end of the line and back again. Photo: Joe Armao

Tram traps: wheels not welcome

Timna Jacks

James Carter had a big day planned.

The mobility scooter user had already spent more than two hours travelling from Euroa to Melbourne before he caught the 96 tram to his destination - last year's Flower & Garden show - when disaster struck.

Instead of smelling the roses, James was trapped on the tram for an hour.

After accidentally missing the accessible stop closest to Carlton Gardens, he was forced to take an hour-long round trip to the end of the line in Brunswick East and then back to the city before he could get off the tram and head to the show.

"Going to the end of the line and back chopped off a huge chunk of my day," said Mr Carter.

"It's just one in 100 cases like that ... I know a lot of people who don't use trams because it's all just too hard."

By law, 90 per cent of Melbourne's tram stops were supposed to have been made usable for people with wheelchairs, prams and walkers by the end of 2017.

Yet five months after that deadline, less than a quarter of Melbourne's 1700 tram stops meet the standard - far fewer than the target enshrined in law 16 years ago.

This failure by successive state governments is paving the way for Melbourne commuters with limited mobility to make complaints to the Australian Human Rights Commission. If they are unhappy with the outcome, they can appeal the case in the Federal Court.

Revamping the world's largest tram network is a herculean and expensive task, and governments of both persuasions have failed to invest enough money to reach the target. Meanwhile, plans for some super stops have been stalled by local disputes, with traders concerned about stops compromising on-street parking.

LEAST ACCESSIBLE TRAMLINES

- **Route 78:** No accessible stops. No low-floor trams.
- **Route 57:** Seven accessible stops. No low-floor trams.
- **Route 1:** 13 accessible tram stops. No low-floor trams.
- **Route 72:** 16 accessible stops. Partly serviced by low-floor trams.
- **Route 58:** 17 accessible stops. Partly serviced by low-floor trams.

The government plans to overhaul 10 tram stops, including six along Nicholson Street between Victoria Parade and Kerr Street by September, on William Street near La Trobe and Bourke streets, Bundoora RMIT and Balaclava station.

Public Transport Users Association spokesman Daniel Bowen said the investment was positive, but with the law requiring all tram stops to be upgraded by 2022, nearly 1300 still need to be converted in the next

four years. At least one tram service - route 78 between North Richmond and Balaclava - has no accessible stops or trams.

"There is still such a long way to go to make the entire tram system accessible," Mr Bowen said.

An incoherent rollout of the program had resulted in accessible stops being built along tram routes that were serviced by old trams with stairs, he said.

For instance, more than two thirds of tram stops along route 75 are accessible, but the route has no low-floor trams.

The problem also occurred in reverse: low-floor trams were running through suburbs with non-accessible stops.

"There seems to be no firm plan to rectify this," Mr Bowen said.

The final tranche of low-floor E-Class trams (17) are set to arrive by mid next year.

No new money was set aside in the state budget to buy extra low-floor trams.